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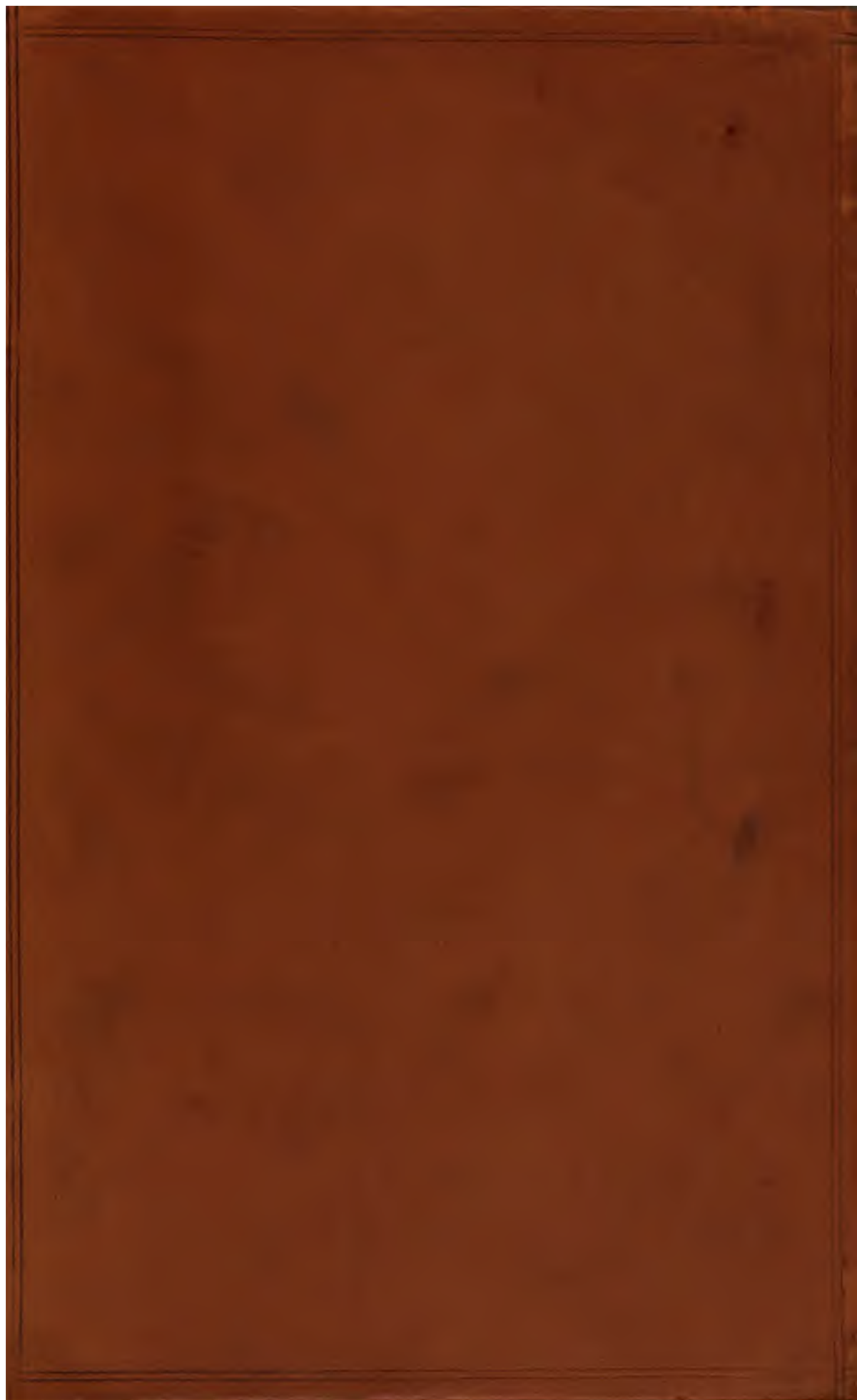
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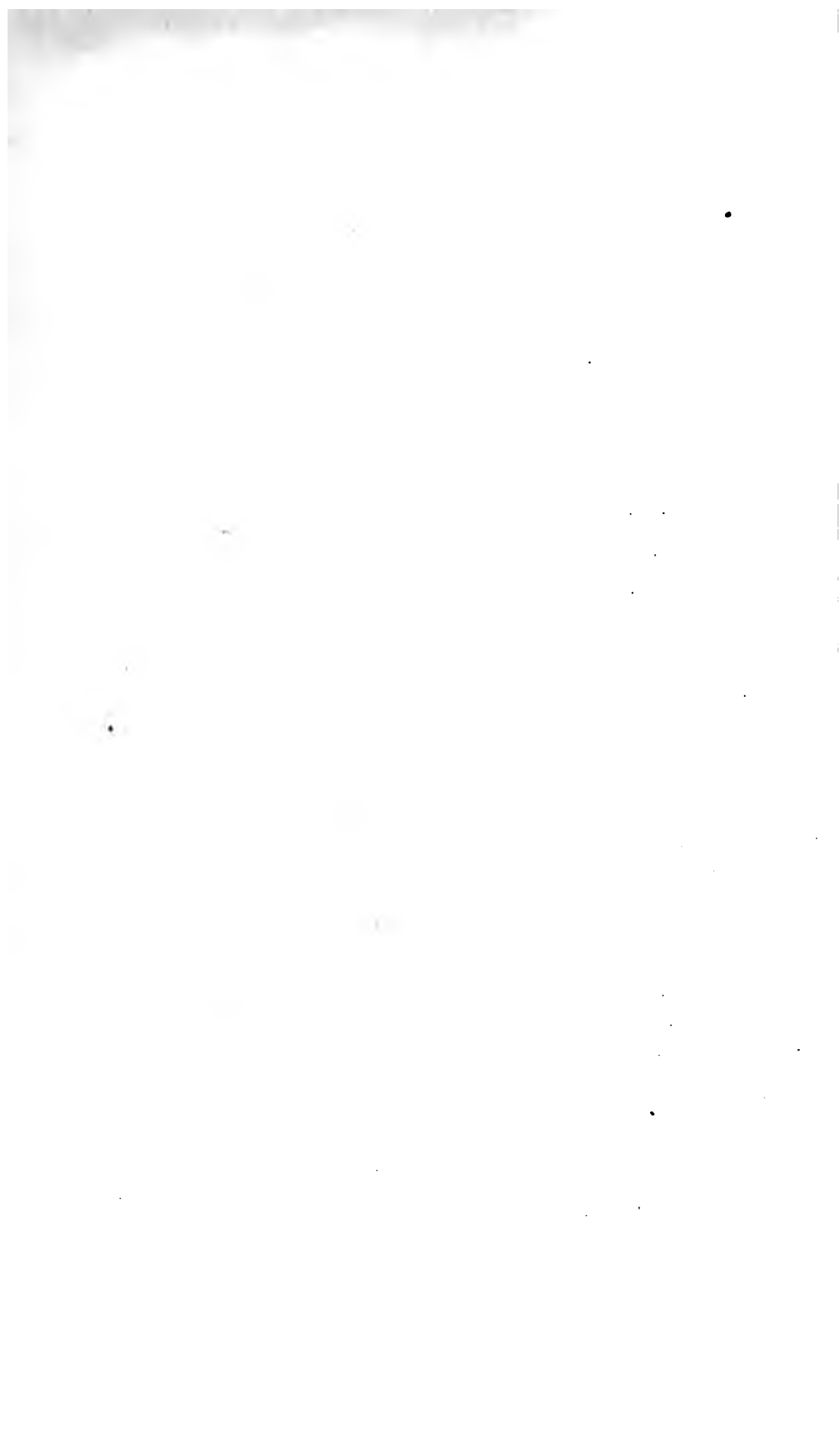
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PRIVATE AND SPECIAL STATUTES

OF THE

Commonwealth of Massachusetts.

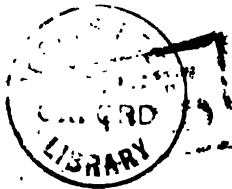
PRIVATE AND SPECIAL
STATUTES
OF THE
Commonwealth of Massachusetts,
FOR THE YEARS
1876, '77, '78, '79, '80, '81.

REVISED AND PUBLISHED
BY AUTHORITY OF THE LEGISLATURE,
IN CONFORMITY TO A RESOLVE PASSED MARCH 17, 1881.

VOL. XIV.



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117 FRANKLIN STREET.
1882.



Commonwealth of Massachusetts.

NOTICE.

SECRETARY'S DEPARTMENT, July, 1882.

THIS volume contains all the Special Acts, now in force, passed by the legislature during the years 1876 to 1881 inclusive.

The editor of this and the five preceding volumes, NEHEMIAH BROWN, Esq., has bestowed much labor and care in the execution of the work.

A handwritten signature in dark ink, reading "Henry D. Stearns". The signature is written in a cursive style with large, flowing loops and a prominent flourish at the end.

Secretary of the Commonwealth.

PRIVATE AND SPECIAL STATUTES.

1876—1881.

PRIVATE AND SPECIAL STATUTES

OF

MASSACHUSETTS.

1876.

[1845, 151 ; 1856, 46 ; 1869, 146.]

AN ACT to amend certain Acts relating to the Mercantile Library Association, of Boston. *Chap. 2*

Be it enacted, etc., as follows :

SECTION 1. Section one of chapter one hundred and fifty-one of the acts of the year eighteen hundred and forty-five, entitled "An Act to incorporate the Mercantile Library Association," is hereby amended by striking out the words "among young men now engaged in, or destined for, the mercantile professions."

Mercantile Library association.

SECTION 2. Section two of said chapter is hereby amended by striking out the words "a majority of the members of the corporation" and inserting in place thereof the words, "a majority of the members present and voting at a legal meeting."

Amendment to 1845, 151, § 2.

SECTION 3. Section three of said chapter is hereby amended by striking out the words "engaged in mercantile pursuits or preparing themselves therefor, and."

Amendment to 1845, 151, § 3.

SECTION 4. Section two of chapter forty-six of the acts of the year eighteen hundred and fifty-six, entitled "An Act in addition to an act, entitled 'An Act to incorporate the Mercantile Library Association' passed in the year one thousand eight hundred and forty-five," is hereby amended by striking out the words, "engaged in mercantile pursuits, and."

Amendment to 1856, 46, § 2.

SECTION 5. This act shall take effect upon its passage.

Approved January 31, 1876.

[B. & M., 1833, 109; 1837, 113, 118; 1839, 82; 1841, 56; 1843, 90; 1845, 159; 1846, 75; 1847, 70; 1848, 322; 1849, 226, 230; 1850, 113, 240; 1851, 139, 196, 236, 244; 1852, 32, 118, 167, 306; 1853, 64, 415; 1854, 336; 1855, 42, 141, 371, 386; 1857, 263; 1861, 15, 176; 1864, 54; 1866, 127; 1869, 343, 378, 398; 1870, 9, 301, 401; 1872, 356; 1873, 79, 357.]
[W. A. B., 1868, 188; 1869, 175, 319, 401; 1870, 279; 1873, 8.]

Chap. 7 AN ACT to authorize the Boston and Maine Railroad to purchase the West Amesbury Branch Railroad.

Be it enacted, etc., as follows:

Boston and
Maine Railroad
may purchase
West Amesbury
Branch Rail-
road.

SECTION 1. The Boston and Maine Railroad is authorized to purchase the rights, franchise and property of the West Amesbury Branch Railroad Company, and the said West Amesbury Branch Railroad Company is authorized to convey and assign to the said Boston and Maine Railroad its franchise and property, and all the rights, easements, privileges and powers granted to it; and the said Boston and Maine Railroad shall, upon such conveyance being made to it, have and enjoy all the rights, powers, privileges, easements, franchises and property of said West Amesbury Branch Railroad Company, and be subject to all the duties, liabilities, obligations and restrictions to which said last named corporation may be subject: *provided, however*, that such purchase or sale shall not be valid unless agreed to by the directors of the contracting corporations, and approved by a majority of the votes at meetings of the stockholders of each corporation called for that purpose.

Purchase to be
approved by
stockholders of
each corpora-
tion.

SECTION 2. This act shall take effect upon its passage.

Approved February 11, 1876.

[1876, 124, 126; 1878, 245; 1890, 205; 1881, 265.]

[1859, 173; 1865, 14; 1869, 428; 1873, 115; 1875, 65.]

Chap. 11 AN ACT to change the Time of Election of the Directors of the Collateral Loan Company, and for other Purposes.

Be it enacted, etc., as follows:

SECTION 1. Section six of chapter one hundred and seventy-three of the acts of eighteen hundred and fifty-nine is hereby amended so as to read as follows: The government of the company shall be in seven directors, five of whom shall be chosen annually, at such time as the stockholders may from time to time determine, together with one to be appointed by the governor of the Commonwealth, and one to be appointed by the mayor of the city of Boston; and the board thus created shall elect one of their number president, and such other officers as may be deemed necessary.

Government to
be in seven
directors.

SECTION 2. The elections of directors, and other proceedings which have taken place at the annual meetings of said corporation which have been held in November, are hereby confirmed and made valid to the same extent as if said meetings had been held in October.

Proceedings confirmed.

SECTION 3. This act shall take effect upon its passage.

Approved February 21, 1876.

[1870, 36; 1872, 54; 1875, 31.]

AN ACT to extend the Time for commencing and completing the Cape Cod Ship Canal. *Chap. 12*

Be it enacted, etc., as follows :

SECTION 1. The time fixed by chapter thirty-six of the acts of the year eighteen hundred and seventy, chapter fifty-four of the acts of the year eighteen hundred and seventy-two, and chapter thirty-one of the acts of the year eighteen hundred and seventy-five, for commencing and completing the Cape Cod Ship Canal, is hereby extended two years.

Time extended for commencement and completion.

SECTION 2. This act shall take effect upon its passage.

Approved February 21, 1876.

[1878, 38.]

AN ACT to incorporate the Boston Police Relief Association. *Chap. 16*

Be it enacted, etc., as follows :

SECTION 1. John W. Chase, Henry O. Goodwin, George A. Walker, De Lafayette Thompson, George Smith, their associates and successors, all of whom shall be members of the police department of the city of Boston, are hereby made a corporation, by the name of the Boston Police Relief Association, in the city of Boston, for the purpose of assisting the families of deceased members of said association, and the members thereof, when sick or disabled, or upon the decease of their wives; with all the powers and privileges and subject to all the liabilities, duties and restrictions, set forth in all general laws which now are, or may hereafter be, in force relating to such corporations: *provided*, that said corporation shall not be subject to the laws relating to life insurance companies, and shall not be summoned as trustee in any action or process against any person or persons who may hereafter be entitled to assistance from said association, under the by-laws thereof, or under the provisions of this act.

Corporators.

Name and purpose.

Powers and duties.

Proviso.

Real and personal estate.

SECTION 2. Said corporation, for the purposes aforesaid, shall have power to receive grants, devises, bequests and donations, and may hold real and personal estate not exceeding one hundred thousand dollars in value.

SECTION 3. This act shall take effect upon its passage.

SEE

Approved February 23, 1876.

[1871, 134.]

Chap. 18 AN ACT to authorize the Transfer of the Newton Free Library to the City of Newton.

Be it enacted, etc., as follows :

Newton Free Library may be transferred to city for a public library.

SECTION 1. The Newton Free Library may grant, transfer and convey to the city of Newton, its franchise, library and property, real and personal, for the establishment of a public library therein, to be forever maintained by said city.

Grants, donations, etc., to inure to city for benefit of public library.

SECTION 2. All grants, donations or bequests heretofore made to the said Newton Free Library, shall, by force of this act, and of the transfer and conveyance hereby authorized, inure and pass to the city of Newton, for the use and benefit of the public library to be established and maintained therein as aforesaid.

SECTION 3. This act shall take effect upon its passage.

Approved February 23, 1876.

[1857, 18; 1870, 207; 1872, 87; 1873, 268; 1875, 159.]

Chap. 24 AN ACT to amend an Act to establish the City of Chelsea.

Be it enacted, etc., as follows :

Eight aldermen to be elected at large.

SECTION 1. The act to establish the city of Chelsea, approved the thirteenth day of March, A.D. eighteen hundred and fifty-seven, is hereby so amended, that hereafter eight aldermen, being inhabitants of said city without regard to residence in wards, shall be elected by the qualified voters of the city at large voting in their respective wards, and in the same manner as is now provided in said act for the election of mayor; and the same proceedings shall be had to ascertain and determine the persons chosen as aldermen, as are now provided in said act in regard to the choice of mayor; and in case of vacancy, the mayor and aldermen shall issue their warrant for a new election to be held in the manner above provided.

Repeal.

SECTION 2. All acts and parts of acts inconsistent with this act are hereby repealed.

SECTION 3. This act shall be void unless accepted by a majority of the legal voters of said city present and voting thereon by ballot, at meetings which shall be held in the several wards of said city on the Tuesday next after the first Monday of November next. Meetings for that purpose shall be duly warned and called by the mayor and aldermen of said city. Said ballots shall be "yes" or "no" in answer to the question, "Shall an act passed by the legislature of the Commonwealth in the year eighteen hundred and seventy-six, entitled 'An Act to amend an act to establish the city of Chelsea,' be accepted?"

Subject to acceptance by legal voters.

Approved February 29, 1876.

[Accepted Nov. 7, 1876.]

[1877, 23; 1879, 166; 1881, 200.]

[1882, 93.]

AN ACT to extend the Charter of the Massachusetts College of Pharmacy. *Chap. 25*

Be it enacted, etc., as follows:

SECTION 1. The "Massachusetts College of Pharmacy," in the city of Boston, shall be and remain a body corporate after the expiration of its present charter, as fully as if no limitation in regard to time were contained therein; and shall continue to have the powers and privileges, and to be subject to the duties, liabilities and restrictions, set forth in its charter and in the general laws which are or may be in force relating to such corporations.

Charter extended without limitation of time.

SECTION 2. This act shall take effect upon its passage.

Approved February 29, 1876.

[1881, 15]

[1880, 26.]

AN ACT to authorize the Bay State Iron Company to increase its Capital Stock. *Chap. 26*

Be it enacted, etc., as follows:

SECTION 1. The Bay State Iron Company, incorporated by chapter twenty-six of the acts of the year one thousand eight hundred and fifty, is hereby authorized to increase its capital stock to an amount not exceeding one million five hundred thousand dollars; and said corporation may hold real and personal estate, for the purposes for which it was incorporated, not exceeding in amount one million five hundred thousand dollars.

May increase capital stock.

Real and personal estate.

Amendment to
1850, 26, § 1.

SECTION 2. Section one of said chapter twenty-six of the acts of the year one thousand eight hundred and fifty, is hereby amended by striking out the words "in the city of Boston, county of Suffolk."

SECTION 3. This act shall take effect upon its passage.

Approved February 29, 1876.

[1880, 6.]

Chap. 27 AN ACT authorizing the Town of Natick to raise Money to pay the Expenses of the Funeral of the Late Vice-President, Henry Wilson.

Be it enacted, etc., as follows :

May raise
money to pay
funeral ex-
penses of vice-
president of
United States.

SECTION 1. The town of Natick is hereby authorized to appropriate and raise by taxation a sum of money not exceeding the sum of one thousand dollars, to pay the expenses of the funeral in said town of the late vice-president of the United States, Henry Wilson.

SECTION 2. This act shall take effect upon its passage.

Approved February 29, 1876.

[1867, 65; 1868, 340; 1870, 47; 1873, 21; 1874, 65; 1875, 112.]

Chap. 29 AN ACT to authorize the Town of Duxbury to establish a Sinking Fund, to meet the Loan made to pay for its Stock in the Duxbury and Cohasset Railroad Company.

Be it enacted, etc., as follows :

May establish
sinking fund to
pay for stock in
Duxbury and
Cohasset Rail-
road.

SECTION 1. Such sums of money as the town of Duxbury may from time to time appropriate therefor, shall be set apart as a sinking fund, which, with the accumulated interest upon the same, shall be devoted to the payment at maturity of the loan or loans made by said town to pay for its stock in the Duxbury and Cohasset Railroad Company.

Commissioners
of fund.
1875, 209, § 5.

SECTION 2. Such sinking fund shall be subject to the provisions of section five of chapter two hundred and nine of the acts of the year eighteen hundred and seventy-five; and commissioners of said sinking fund shall be elected and vacancies in the board filled in accordance with the provisions of said section five, with all the powers and subject to all the limitations and liabilities therein expressed.

SECTION 3. This act shall take effect upon its passage.

Approved March 8, 1876.

[1878, 150.]

[1830, 30.]

AN ACT to dissolve the Salem Dispensary and to authorize the Transfer of its Property to the Salem Hospital.

Chap. 30

Be it enacted, etc., as follows :

SECTION 1. The Salem Dispensary, incorporated by chapter thirty of the acts of the year eighteen hundred and thirty, is hereby authorized and empowered to transfer and convey all funds and property whatsoever which it now holds, to the Salem Hospital, a corporation organized under the general laws in the year eighteen hundred and seventy-three, and established in the city of Salem.

Salem Dispensary may transfer funds and property to Salem Hospital.

SECTION 2. Said first-named corporation, upon such transfer and conveyance, and without further act, shall be dissolved.

Corporation to be dissolved.

Approved March 3, 1876.

AN ACT to authorize the Appointment and to define the Duties of a Harbor-Master for the Port of Newburyport.

Chap. 31

Be it enacted, etc., as follows :

SECTION 1. The board of mayor and aldermen of the city of Newburyport may appoint a harbor-master for the port of Newburyport, who shall continue in office until a successor is qualified, and who, before entering upon the duties of his office, shall give to the treasurer of said city a bond, which shall be satisfactory to the board of mayor and aldermen, in the sum of two thousand dollars, conditioned upon the faithful performance of his duties ; and said harbor-master shall have the power to appoint a deputy when, in the opinion of the board of mayor and aldermen, it is necessary ; and such appointment shall be subject to their approval, and said board shall fix the salaries of both of said officers. Said harbor-master shall enforce the provisions of this act.

Harbor-master may be appointed.

To give bonds.

May appoint a deputy.

SECTION 2. All vessels entering the said harbor shall be anchored according to the direction of the harbor-master.

Vessels to be anchored under direction of harbor-master.

SECTION 3. Every vessel before unloading lumber in the stream shall get a permit from the harbor-master, designating where such lumber may be rafted to avoid obstructing the channel or hindering the movements of other vessels.

To get a permit from harbor-master before unloading.

SECTION 4. Every vessel lying in the harbor, or at any wharf or pier, in said port, shall, when directed by

To brace yards etc., when directed.

the harbor-master, cockbill the lower yards, brace the top-sail yards, fore and aft, and rig in the jib-boom.

To be moved in harbor according to directions of harbor-master.

SECTION 5. Said harbor-master may cause to be moved, any vessel lying in the harbor and not anchored according to his direction, and not moving when directed by him so to do, and the expense thereof shall be paid by the master or owners of such vessel; and in case of neglect or refusal to pay after the same shall have been demanded, said expense may be recovered of said master or owners by the harbor-master to the use of the said city, in an action of contract.

Gravel, etc., not to be deposited in harbor.

SECTION 6. No person shall throw or deposit in said harbor, or any part thereof, any stones, gravel, ballast, cinders, ashes, dirt, mud or other substance which may in any way tend to injure the navigation thereof.

Channel not to be obstructed by warps or lines.

SECTION 7. No warp or line shall be passed across the channel or any dock, so as to obstruct vessels passing along the same.

Vessels to change berths when directed.

SECTION 8. If any vessel occupying a berth at any of the wharves or piers of said city, either with or without the consent of the wharfinger thereof, shall fail to vacate such berth upon notice from the wharfinger or his agent to the master, or those having such vessel in charge for the time being, in a reasonable time, to be adjudged by the harbor-master, the harbor-master shall then cause such vessel to be moved to some other berth, or anchored in the stream, and the expense thereof may be collected of the master or owners thereof, by the harbor-master, to the use of said city, in an action of contract.

To be stationed in stream as harbor-master may order.

SECTION 9. The harbor-master shall have authority to regulate and station all vessels in the stream of said harbor, and to remove such as are not employed in receiving or discharging their cargoes, to make room for such others as require to be more immediately accommodated for the purpose of receiving or discharging their cargoes, and as to the fact of their being fairly and actually employed in receiving or discharging their cargoes, the said harbor-master is hereby constituted the sole judge.

Penalty for disobeying instructions.

SECTION 10. Whoever shall refuse or neglect to obey the instructions of said harbor-master, or shall resist him in the execution of his duties, shall forfeit and pay a fine not exceeding fifty dollars.

Liability for damages.

SECTION 11. Any person violating the provisions of this act, in addition to any fines imposed in accordance

herewith, shall be liable in an action of tort to any person suffering damage by such violation.

SECTION 12. It shall be the duty of the harbor-master to place in the hands of the master of every vessel arriving at the port of Newburyport, a copy of this act.

Masters of vessels to be furnished with copy of act.

SECTION 13. For the purposes of this act the harbor of said port shall be construed to extend from the chain bridge across the Merrimac River at Deer Island, to the bar at the entrance of said harbor.

Harbor to extend from chain bridge at Deer Island, to the bar.

SECTION 14. This act shall take effect upon its passage.

Approved March 3, 1876.

AN ACT to preserve the Eel Fisheries in Jones River, in the Town of Kingston.

Chap. 32

Be it enacted, etc., as follows:

SECTION 1. Whoever takes, catches or destroys any eels in Jones River, in the town of Kingston, in the county of Plymouth, in any other manner than by spear or hook and line, shall forfeit for every eel so taken, not less than one dollar nor more than five dollars, one-half of said fine to be paid to the complainant.

Eel fisheries in Jones River, in Kingston, to be preserved.

SECTION 2. All fines or penalties for violating this act, with costs, may be recovered in any court competent to try the same.

Fines and penalties.

SECTION 3. This act shall take effect upon its passage.

Approved March 7, 1876.

[1839, 153; 1859, 4.]

AN ACT to authorize the Newburyport Society for the Relief of Aged Females to hold additional Real and Personal Estate.

Chap. 34

Be it enacted, etc., as follows:

SECTION 1. The Newburyport Society for the Relief of Aged Females, is hereby authorized to purchase, receive and hold, by gift, grant, devise or otherwise, real and personal estate to an amount not exceeding seventy thousand dollars, in addition to the amount authorized by chapter one hundred and fifty-three of the acts of the year eighteen hundred and thirty-nine, and by chapter four of the acts of the year eighteen hundred and fifty-nine.

May hold additional real and personal estate.

SECTION 2. This act shall take effect upon its passage.

Approved March 7, 1876.

[1872, 344; 1874, 135.]

Chap. 35 AN ACT to authorize the City of Newton to issue additional Water Scrip.*Be it enacted, etc., as follows:*

May issue additional water scrip, not exceeding \$250,000.

SECTION 1. The city of Newton, in addition to the amount of water scrip authorized by chapter three hundred forty-four of the acts of the year eighteen hundred seventy-two, and by section thirty of chapter three hundred and twenty-six of the acts of the year eighteen hundred and seventy-three, may issue a further amount thereof, not exceeding the sum of two hundred and fifty thousand dollars, in accordance with the provisions of said first cited chapter, and for the purposes named therein.

SECTION 2. This act shall take effect upon its passage.

Approved March 7, 1876.

[1876, 54; 1880, 75; 1881, 129.]

Chap. 36 AN ACT to authorize the Appointment and to define the Duties of a Harbor-Master for the Port of New Bedford.*Be it enacted, etc., as follows:*

Harbor-master may be appointed.

To give bonds.

May appoint a deputy.

Vessels to be anchored under direction of harbor-master.

To get a permit from harbor-master before unloading.

To brace yards,

SECTION 1. The board of mayor and aldermen of the city of New Bedford may appoint a harbor master for the port of New Bedford, who shall continue in office until a successor is qualified, and who, before entering upon the duties of his office, shall give to the treasurer of said city a bond, which shall be satisfactory to the board of mayor and aldermen, in the sum of two thousand dollars, conditioned upon the faithful performance of his duties; and said harbor-master shall have the power to appoint a deputy when, in the opinion of the board of mayor and aldermen, it is necessary, and such appointment shall be subject to their approval, and said board shall fix the salaries of both of said officers. Said harbor-master shall enforce the provisions of this act.

SECTION 2. All vessels entering the said harbor shall be anchored according to the direction of the harbor-master.

SECTION 3. Every vessel before unloading lumber in the stream, shall get a permit from the harbor-master designating where such lumber may be rafted to avoid obstructing the channel or hindering the movements of other vessels.

SECTION 4. Every vessel lying in the harbor or at any

wharf or pier in said port, shall, when directed by the harbor-master, cockbill the lower yards, brace the topsail yards, fore and aft, and rig in the jib-boom.

etc., when directed.

SECTION 5. Said harbor-master may cause to be moved any vessel lying in the harbor and not anchored according to his direction, and not moving when directed by him so to do, and the expense thereof shall be paid by the master or owners of such vessel; and in case of neglect or refusal to pay after the same shall have been demanded, said expense may be recovered of said master or owners by the harbor-master, to the use of the said city, in an action of contract.

To be moved in harbor according to directions of harbor-master.

SECTION 6. No person shall throw or deposit in said harbor or any part thereof, any stones, gravel, ballast, cinders, ashes, dirt, mud or other substance which may in any way tend to injure the navigation thereof.

Gravel, etc., not to be deposited in harbor.

SECTION 7. No warp or line shall be passed across the channel, or any dock, so as to obstruct vessels passing along the same.

Channel not to be obstructed by warps or lines.

SECTION 8. If any vessel occupying a berth at any of the wharves or piers of said city, either with or without the consent of the wharfinger thereof, shall fail to vacate such berth upon notice from the wharfinger or his agent to the master, or those having such vessel in charge for the time being, in a reasonable time, to be adjudged by the harbor-master, the harbor-master shall then cause such vessel to be moved to some other berth, or anchored in the stream, and the expense thereof may be collected of the master or owners thereof, by the harbor-master, to the use of said city, in an action of contract.

Vessels to change berths when directed.

SECTION 9. The harbor-master shall have authority to regulate and station all vessels in the stream of said harbor, and to remove such as are not employed in receiving or discharging their cargoes, to make room for such others as require to be more immediately accommodated for the purpose of receiving or discharging their cargoes, and as to the fact of their being fairly and actually employed in receiving and discharging their cargoes, the said harbor-master is hereby constituted the sole judge.

To be stationed in stream as harbor-master may order.

SECTION 10. Whoever shall refuse or neglect to obey the instructions of said harbor-master, or shall resist him in the execution of his duties, shall forfeit and pay a fine not exceeding fifty dollars.

Penalty for disobeying instructions.

SECTION 11. Any person violating the provisions of this

Liability for damages.

act, in addition to any fines imposed in accordance herewith, shall be liable in an action of tort to any person suffering damage by such violation.

Masters of vessels to be furnished with a copy of this act.

SECTION 12. It shall be the duty of the harbor-master to place in the hands of the master of every vessel arriving at the port of New Bedford a copy of this act.

SECTION 13. This act shall take effect upon its passage.

Approved March 7, 1876.

[1837, 208.]

Chap. 37 AN ACT to change the Name of the Proprietors of the Fourth Universalist Meeting-House in Boston, and for other Purposes.

Be it enacted, etc., as follows :

Name changed to the Broadway Universalist Society.

SECTION 1. The name of the Proprietors of the Fourth Universalist Meeting-house in Boston is hereby changed to the Broadway Universalist Society.

Acts legalized and confirmed.

SECTION 2. All acts which have been done and performed by the Proprietors of the Fourth Universalist Meeting-house in Boston since the year eighteen hundred and thirty-seven under the name of the Broadway Universalist Society, are hereby legalized and confirmed and made of the same force and effect as if performed under its corporate name.

Real estate not exceeding \$100,000.

SECTION 3. The Broadway Universalist Society is hereby authorized to hold real estate to the amount of one hundred thousand dollars, subject to all laws which now are, or may hereafter apply to such religious societies.

Title to real estate confirmed.

SECTION 4. The real estate described in a deed of Caleb Thurston to the Broadway Universalist Society, dated March ninth eighteen hundred and sixty-nine, and recorded in the Suffolk registry of deeds, book nine hundred and fifty-four, shall be held by the Broadway Universalist Society, and the title thereto is hereby confirmed, made valid and of the same force, as if deeded to said society under its corporate name.

SECTION 5. This act shall take effect upon its passage.

Approved March 7, 1876.

[1845, 125; 1848, 92; 1849, 217; 1851, 180; 1853, 212; 1854, 142.]

Chap. 38 AN ACT to revive the Boylston Bank in the City of Boston for certain Purposes.

Be it enacted, etc., as follows :

Charter revived to enable president and direct.

SECTION 1. The corporation heretofore known as the Boylston Bank in the city of Boston, is revived and con-

tinued for the purpose of enabling the president and surviving directors of said Boylston Bank, at the time when the same became an association for carrying on the business of banking under the laws of the United States, to convey, assign and transfer to the Boylston National Bank, any real estate, or interests therein, of said Boylston Bank, and for no other purpose whatever.

one to convey
real estate.

SECTION 2. This act shall take effect upon its passage.

Approved March 7, 1876.

[1872, 143, 295; 1873, 9, 146, 187, 324; 1874, 55, 63, 183, 213.]

AN ACT to authorize the Old Colony Railroad Company to build a Branch Railroad in Quincy. *Chap. 40.*

Be it enacted, etc., as follows :

SECTION 1. The Old Colony Railroad Company may locate, construct, maintain and operate a railroad between a point on its main line in Quincy near the Wollaston station and the land and docks of the Wollaston Wharf and Dock Company, in said Quincy.

May construct
branch road in
Quincy.

SECTION 2. The time within which the said railroad shall be located and constructed is limited to three years from the passage of this act.

Time for loca-
tion and con-
struction.

SECTION 3. This act shall take effect upon its passage.

Approved March 10, 1876.

[1876, 135.]

AN ACT to discontinue a Part of a Public Landing Place in the Town of Bradford. *Chap. 41*

Be it enacted, etc., as follows :

SECTION 1. So much of a public landing place at the foot of Ferry Street in the town of Bradford, county of Essex, as lies north-westerly of a line running north, twenty-two degrees east, from a stone monument to the Merrimack River, said monument being located two hundred ninety-eight feet north, seventy and one-fourth degrees west, of a stone monument standing at the south-easterly corner of said landing place, be, and the same is, hereby discontinued as a public highway and landing place.

Public landing
place discon-
tinued.

SECTION 2. This act shall take effect upon its passage.

Approved March 10, 1876.

Chap. 42

AN ACT to incorporate the Sturbridge Aqueduct Company.

*Be it enacted, etc., as follows :***Corporators.**

SECTION 1. Amasa C. Morse, George W. Barnes, Elbridge Cass, Charles N. Allen, Jacob A. Cony, Ephraim Burr, Evelina W. Hyde, Phoebe P. Hutchins, James Whittemore, John N. Chamberlin, Jonah A. Griswold and Farnum Southwick, their associates and successors, are hereby made a corporation by the name of the Sturbridge Aqueduct Company, for the purpose of furnishing the inhabitants of the centre village of Sturbridge with pure water; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force applicable to such corporations.

Name and purpose.**Powers and duties.****May take water from a spring on Fiske Hill.****May lay water-pipes through private lands.****To file in the registry of deeds a description of the land taken.****May establish water-rates.**

SECTION 2. Said corporation may take, hold and convey to, into and through the said village of said town the water of a spring and well on land of Samuel H. Hobbs and Hannah Hobbs, on the westerly side of Fiske Hill, so called, in said town, and may take and hold, by purchase or otherwise, any real estate necessary for the preservation and purity of the same, or for forming any dams or reservoirs to hold the same, and for laying and maintaining said aqueduct, and for distributing water, and may lay its water-pipes through any private lands, with the right to enter upon the same and dig therein for the purpose of making all necessary repairs, and for the purposes aforesaid may carry its pipes under any street, highway or private way, in such manner as not to obstruct the same: *provided*, that any work done on any public way shall be done under the direction of the selectmen of said Sturbridge.

SECTION 3. Said corporation shall, within sixty days after the taking of any land under this act, file in the registry of deeds of the county of Worcester a description thereof sufficiently accurate for identification, and shall state the purpose for which it is taken. Any person or corporation injured in property by any of the acts of said corporation, under the provisions hereof, and failing to agree with said corporation as to the amount of damages, may have them assessed and determined in the manner provided when land is taken for highways.

SECTION 4. Said corporation may establish rates for the use of said water, and collect the same by suits or

otherwise, and may make such contracts with the town of Sturbridge, or with individuals, to supply water for fire purposes and other uses, as may be agreed upon by said town or individuals and said corporation.

SECTION 5. Said corporation, for the purposes aforesaid, may hold real and personal estate not exceeding in amount three thousand and five hundred dollars in value, and the capital stock shall not exceed four thousand dollars, to be divided into shares of fifty dollars each, and no liability shall be incurred by said corporation until twenty-five per cent. of its capital stock has been paid in, in cash.

Real and personal estate.

Capital stock and shares.

SECTION 6. Any person who takes without right, or wilfully or maliciously corrupts, pollutes or diverts any of the water taken under this act, or injures any dam, reservoir, aqueduct, pipes or other property owned or used by said corporation, for the purposes of this act, shall pay to said corporation three times the amount of actual damage to said corporation, to be recovered in an action of tort.

Penalty for polluting or diverting water.

SECTION 7. This act shall take effect upon its passage.

Approved March 10, 1876.

[1866, 143; 1869, 316.]

AN ACT to authorize the Springfield and New London Railroad Company to lease its Railroad and make Contracts for operating the same.

Chap. 43

Be it enacted, etc., as follows :

SECTION 1. The Springfield and New London Railroad Company may lease its road to the Connecticut Valley Railroad Company, or to the Connecticut Central Railroad Company, railroad corporations established in the state of Connecticut, or to any other railroad corporation whose tracks now or may hereafter connect with the tracks of said Springfield and New London Railroad Company, or of said Connecticut Central Railroad Company, upon such terms and for such time as the directors may agree and as may be approved by a majority in interest of all the stockholders of each corporation at meetings duly called for the purpose, and may make with any such corporation any contract for operating its road which may be agreed to by the directors, and approved by the stockholders in the manner herein before provided; subject, however, to all the duties, restrictions and liabilities set forth in the

Springfield and New London Railroad Company may lease its road.

general laws which now are or hereafter may be in force relating to railroad corporations.

SECTION 2. This act shall take effect upon its passage.

Approved March 13, 1876.

[1869, 154, 208; 1875, 196.]

Chap. 44 AN ACT concerning the Trustees of the Museum of Comparative Zoölogy.

Be it enacted, etc., as follows :

Trustees of Museum of Comparative Zoölogy may convey property to Harvard College.

SECTION 1. The Trustees of the Museum of Comparative Zoölogy are authorized and empowered to convey all the property in their hands to the President and Fellows of Harvard College upon the same trusts upon which it is now held by said Trustees, and upon such other trusts not conflicting or inconsistent therewith as said corporations may agree upon ; and the said President and Fellows of Harvard College are authorized to receive said property upon said trusts, and shall thereupon have all the powers and be subject to all the duties, in relation to the said property, given to and imposed upon the said Trustees by their act of incorporation and the acts in amendment thereof.

SECTION 2. This act shall take effect upon its passage.

Approved March 13, 1876.

[1877, 4.]

Chap. 45 AN ACT to preserve the Eel Fisheries in Eel River in the Town of Plymouth.

Be it enacted, etc., as follows :

Eel fisheries to be preserved.

SECTION 1. Whoever takes, catches or destroys any eels in Eel River in the town of Plymouth, in the county of Plymouth, in any other manner than by spear or hook and line, shall forfeit for every eel so taken not less than one dollar, nor more than five dollars, one-half of said fine to be paid to the complainant.

Penalty for obstructing free passage of eels.

SECTION 2. Whoever wilfully places any obstruction, or otherwise interferes with the free passage of eels in said river, shall forfeit a sum not less than fifty nor more than one hundred dollars for each offence.

Recovery of penalties.

SECTION 3. All fines or penalties for violating this act, with costs, may be recovered in any court competent to try the same.

SECTION 4. This act shall take effect upon its passage.

Approved March 13, 1876.

AN ACT to authorize the County Commissioners of the County of Barnstable to bridge Broad Nook. *Chap. 46*

Be it enacted, etc., as follows :

SECTION 1. The county commissioners of the county of Barnstable are hereby authorized to lay out and construct a bridge across Broad Nook, in the town of Barnstable, subject to the provisions of chapter four hundred and thirty-two of the acts of the year eighteen hundred sixty-nine.

County commissioners may construct bridge across Broad Nook, in Barnstable.

SECTION 2. This act shall take effect upon its passage.

Approved March 18, 1876.

[1855, 107; 1868, 248.]

AN ACT to change the Name of the Shelburne Falls Five Cents Savings Bank. *Chap. 48*

Be it enacted, etc., as follows :

SECTION 1. The Shelburne Falls Five Cents Savings Bank shall be called and known as the Shelburne Falls Savings Bank.

Name changed.

SECTION 2. This act shall take effect upon its passage.

Approved March 16, 1876.

[1875, 180.]

AN ACT to amend Chapter One Hundred and Eighty of the Acts of the Year Eighteen Hundred and Seventy-five, relative to the Seining of Fish in Hummock Pond on the Island of Nantucket. *Chap. 49*

Be it enacted, etc., as follows :

SECTION 1. Chapter one hundred and eighty of the acts of the year eighteen hundred and seventy-five is hereby amended, so as to allow the inhabitants of Nantucket to catch fish called alewives, or herring, with nets or seines, in the Hummock Pond in said Nantucket, south of the bridge, from March tenth to May thirty-first of each year inclusive. All fish caught in seines or nets, excepting alewives or herring, shall be immediately put back into said Hummock Pond. Any person violating the provisions of this act shall, on conviction, pay a fine according to section two of said chapter.

Alewives and herring may be taken with seines in Hummock Pond, in Nantucket.

SECTION 2. This act shall take effect upon its passage.

Approved March 16, 1876.

[1866, 238; 1869, 422.]

Chap. 50 AN ACT concerning the Obstructions to the Passage of Fish in the Tributaries of the Connecticut and Merrimack Rivers.*Be it enacted, etc., as follows :*

Obstructions to passage of fish in tributaries of Connecticut and Merrimack rivers.

SECTION 1. The provisions of chapter two hundred and thirty-eight of the acts of the year eighteen hundred and sixty-six, and of chapter four hundred and twenty-two of the acts of the year eighteen hundred and sixty-nine, are hereby extended and shall apply to the tributaries of the Connecticut and Merrimack Rivers within this Commonwealth.

SECTION 2. This act shall take effect upon its passage.

*Approved March 16, 1876.***Chap. 51** AN ACT to relieve the County of Franklin from the Maintenance of a Bridge near the Mouth of Miller's River.*Be it enacted, etc., as follows :*

Bridge to be kept in repair by Montague, Erving, and Northfield.

SECTION 1. The towns of Montague, Erving and Northfield shall jointly maintain and keep in repair the bridge with its abutments, near the mouth of Miller's River, in the following proportions, viz.:—one-half shall be maintained by the town of Montague, the other half, equally by the towns of Northfield and Erving; and they shall be jointly liable, in said proportion, for all penalties and damages for neglect in keeping the same safe and convenient for public travel.

Towns to receive eight hundred dollars from county treasury.

SECTION 2. The commissioners of the county of Franklin shall pay to the towns of Montague, Erving and Northfield, from the treasury of said county, the sum of eight hundred dollars, to be divided between the towns aforesaid, in the same proportions as mentioned in section one of this act.

SECTION 3. This act shall take effect upon its passage.

*Approved March 16, 1876.***Chap. 53** AN ACT to confirm Certain Leases and Agreements between the Somerville Horse Railroad Company, the Middlesex Railroad Company and the Union Railway Company.*Be it enacted, etc., as follows :*

Leases and agreements confirmed.

An indenture of two parts made between the Somerville Horse Railroad Company and the Middlesex Railroad Company, dated on the first day of December in the year eighteen hundred and sixty-five, two indentures, each of

two parts, between the Middlesex Railroad Company and the Union Railway Company, both dated on the first day of June in the year eighteen hundred and sixty-nine, a memorandum of agreement between the Somerville Horse Railroad Company, the Union Railway Company, and the Middlesex Railroad Company, dated on the tenth day of April in the year eighteen hundred and seventy-one, an indenture of two parts between the Somerville Horse Railroad Company and the Middlesex Railroad Company, dated on the fifth day of January in the year eighteen hundred and seventy-six, and an indenture of two parts made between the Middlesex Railroad Company and the Union Railway Company, dated the first day of February in the year eighteen hundred and seventy-six, are hereby ratified, confirmed, and declared valid. All acts and proceedings heretofore done under and in accordance with said indentures, are hereby declared valid and legal.

Approved March 22, 1876.

[1879, 111.]

[1872, 344; 1874, 125; 1876, 35.]

AN ACT in addition to "An Act to supply the Town of Newton with Water." *Chap. 54*

Be it enacted, etc., as follows:

SECTION 1. For the purposes stated in chapter three hundred and forty-four of the acts of the year eighteen hundred and seventy-two, and subject to the provisions of said act, the city of Newton is hereby authorized to take and hold, by purchase or otherwise, any lands within the town of Needham, not more than one thousand yards distant from Charles River, and lying between Kenrick's Bridge, so called, and the new bridge near Newton Upper Falls, and to convey water from the same to and into said city.

City of Newton
may take lands
in Needham and
convey water
therefrom.

SECTION 2. This act shall take effect upon its passage.

Approved March 22, 1876.

[1880, 75; 1881, 129.]

[1867, 296; 1868, 309; 1869, 421; 1873, 266]

AN ACT concerning the Rebuilding in part of the Newburyport and Salisbury Bridge. *Chap. 55*

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of the county of Essex may allow from the treasury of said county, to

Newburyport
and Salisbury
may be indem-

nified in part
for rebuilding
bridge over
Merrimack
River.

Proviso.

Commissioners
may borrow
money.

the city of Newburyport and to the town of Salisbury respectively, such a sum of money as they may think just and equitable, to indemnify them in part for the expense of rebuilding such portion of the Newburyport Bridge over the Merrimack River as has been rebuilt by reason of damages occasioned by the freshet in the winter of the year eighteen hundred and seventy-five: *provided*, that the sum so allowed to said city and town shall not exceed one-third of the amount which they have expended for the object aforesaid.

SECTION 2. The said commissioners, if need be, are hereby authorized to borrow money for the purpose of making said repairs.

SECTION. 3. This act shall take effect upon its passage.

Approved March 22, 1876.

[1826, 13; 1845, 5.]

Chap. 56 AN ACT to extend the Charter of the Mercantile Wharf Corporation in the City of Boston.

Be it enacted, etc., as follows:

Charter extend-
ed without limi-
tation of time.

The Mercantile Wharf Corporation in the city of Boston shall be and remain a body corporate after the expiration of its present charter, as fully as if no limitation in regard to time were contained therein, and shall continue to have the powers and privileges, and to be subject to the duties, liabilities and restrictions set forth in its charter and in all laws which now are or hereafter may be in force relating to such corporations.

Approved March 22, 1876.

Chap. 57 AN ACT to change the Name of the East Randolph Cemetery Corporation.

Be it enacted, etc., as follows:

Name changed
to Holbrook
Union Ceme-
tery.

SECTION 1. The name of the corporation heretofore known as the East Randolph Cemetery, is hereby changed to that of the Holbrook Union Cemetery.

SECTION 2. This act shall take effect upon its passage.

Approved March 22, 1876.

Chap. 58 AN ACT to incorporate the Glades Association.

Be it enacted, etc., as follows:

Corporators.

SECTION 1. John C. Sharp, Leverett Staltonstall and Frederic L. Ames, their associates and successors, are

made a corporation for the term of twenty years from the date of the passage of this act, by the name of the Glades Association, with all the powers and privileges and subject to all the duties, liabilities and restrictions set forth in general laws which now are or may hereafter be in force relative to such corporations, and with power to purchase and hold in fee simple all or any part of the lands, with the buildings thereon, at the Great Glades, so called, in the town of Scituate, which are now owned by the three first named persons or by any or either of them, not exceeding ninety acres in all.

Name and purpose.

SECTION 2. The said corporation shall have power to sell, lease, mortgage or otherwise dispose of its corporate property or any part thereof, and to improve the same, to erect dwelling-houses and out-buildings thereon, to lay out streets and passage-ways through the same and otherwise use said property as natural persons may do.

May sell property, erect dwelling-houses, lay out streets, etc.

SECTION 3. The said corporation shall have no power to purchase or hold any other lands than those above mentioned.

To hold no other lands than those mentioned.

SECTION 4. The capital stock of said corporation shall not exceed one hundred thousand dollars.

Capital stock.

SECTION 5. This act shall take effect upon its passage.

Approved March 22, 1876.

[1873, 196; 1875, 97.]

AN ACT to extend the Time authorizing the City of Worcester to lay out a Public Park, and to establish and maintain a Reservoir.

Chap. 64

Be it enacted, etc., as follows :

SECTION 1. The time for taking and holding land in accordance with the provisions of chapter one hundred and ninety-six of the acts of the year eighteen hundred and seventy-three, is extended to the fifteenth day of April in the year eighteen hundred and seventy-seven.

Time extended for laying out park and establishing reservoir in Worcester.

SECTION 2. This act shall take effect upon its passage.

Approved March 22, 1876.

[1877, 81; 1878, 64; 1880, 56.]

AN ACT relating to Public Urinals in the City of Boston.

Chap. 65

Be it enacted, etc., as follows :

SECTION 1. The city of Boston, by vote of its city council, shall have power to erect and maintain urinals for public use in any street, way, court, public square, com-

Public urinals may be maintained in Boston by vote of city council.

mon, or common lands in said city, and likewise in the public garden, so called, lying to the eastward of Arlington Street therein. And any owner of land who suffers any injury in his property by reason of the construction of any urinal as aforesaid, may, at any time within one year after the construction is commenced, apply to the superior court for Suffolk County for assessment of his damages by a jury, and have his damages ascertained in the manner provided where land is taken in laying out highways.

SECTION 2. This act shall take effect upon its passage.

Approved March 22, 1876.

[1864, 104; 1867, 269; 1870, 155; 1871, 361.]

Chap. 66 AN ACT for procuring an Additional Supply of Pure Water for the use of the City of Worcester.

Be it enacted, etc., as follows:

City of Worcester may take water from Parson's Brook.

May take land for maintaining aqueduct, etc.

To file in registry of deeds a description of land, etc., taken.

Liability for damages.

SECTION 1. The city of Worcester is hereby authorized to acquire and hold by purchase, or to take and hold and convey into the Hunt reservoir, for the use of the city, the waters of Parson's Brook, so called, in said city, and any waters that may flow into the same, and to acquire and hold by purchase, or take and hold any lands or estates necessary for the laying out and maintaining an aqueduct or conduit, for conducting said waters to said reservoir, or for forming and maintaining reservoirs, and may take and hold land not exceeding five rods in width around the margin of any water-courses or reservoirs they may possess or create in the valley of said brook, for the purpose of supplying said city with pure water.

SECTION 2. The said city shall, within sixty days from the time its city council shall vote to take any lands, ponds or waters by authority of this act, file in the office of the registry of deeds for the county of Worcester, a description of the lands, ponds or waters so taken, as certain as is required in a common conveyance of lands, and a statement of the purpose for which the same are taken, which description and statement shall be signed by the mayor of said city, and the property so taken shall vest in said city from the time of the filing of said description and statement.

SECTION 3. The city of Worcester shall be liable to pay all damages that shall be sustained by any persons in their property, by the taking of any land, water or water-

rights as aforesaid, or by the constructing of any aqueducts, reservoirs or other works by authority of this act. Said damages may be recovered and paid in the manner provided in chapter three hundred and sixty-one of the acts of the year eighteen hundred and seventy-one.

SECTION 4. The provisions of section six of said chapter shall apply to all land, water and water-rights purchased or taken, and to all works constructed under this act.

Provisions of
1871, 361, § 6,
to apply.

SECTION 5. This act shall take effect upon its passage.

Approved March 22, 1876.

[1876, 232; 1881, 268.]

AN ACT to authorize the Pilgrim Evangelical Society in Southborough to hold Real Estate for Parsonage Purposes.

Chap. 67

Be it enacted, etc., as follows:

SECTION 1. The Pilgrim Evangelical Society in Southborough is hereby authorized to hold real estate for parsonage purposes, to an amount not exceeding ten thousand dollars.

\$10,000 additional real estate.

SECTION 2. This act shall take effect upon its passage.

Approved March 22, 1876.

AN ACT to incorporate the Boston Sugar Warehousing Company.

Chap. 68

Be it enacted, etc., as follows:

SECTION 1. Andrew S. Tozier, Benjamin F. Burgess and Elisha Atkins, their associates and successors, are hereby made a corporation by the name of the Boston Sugar Warehousing Company, for the purpose of receiving and storing in bond, or otherwise, sugar, molasses and other bulky articles of merchandise coming to the port of Boston for sale or manufacture; and the said corporation is hereby authorized to purchase and hold in fee simple, or to lease personal and real estate sufficient for these purposes in that part of Boston known as South Boston.

Corporators.

SECTION 2. The capital stock of the said corporation shall not exceed three million dollars, and shall be divided into shares of the par value of one hundred dollars each: *provided*, that the said corporation shall not commence business until one million two hundred thousand dollars of the capital stock shall have been paid in.

Name and purpose.

Capital stock and shares.

SECTION 3. The said corporation shall have all the powers and privileges, and shall be subject to all the duties, restrictions and liabilities set forth in all the gen-

Powers and duties.

eral laws which are now or hereafter may be in force relating to all corporations organized under general laws.

SECTION 4. This act shall take effect upon its passage.

Approved March 28, 1876.

[1871, 280; 1872, 260, 371; 1873, 4, 298, 338.]

Chap. 69 AN ACT for the Better Protection of Life in Buildings occupied for Public Purposes in the City of Boston.

Be it enacted, etc., as follows:

Churches,
school-houses,
etc., reported to
be deficient in
modes of egress
in case of fire,
to be examined
by inspector of
buildings.

Owner or occu-
pant to make
alterations
when notified
by inspector.

Supreme judi-
cial court may
enjoin owners,
etc., from using
premises, upon
a report of a
board of survey.

SECTION 1. Whenever it shall be reported to the inspector of buildings of the city of Boston, that any church, theatre, hall or other building or structure, used or intended to be used temporarily or permanently for any public purpose, or any school-house or school-room public or private, within the city of Boston, is deficient in proper facilities of egress in case of fire or accident, either in the number, width, construction or arrangement of the entrances, aisles, passageways or stairways, or by reason of inner doors opening inward, or from any other cause whatever, arising from the manner of construction or repair of the premises, it shall be the duty of the said inspector of buildings to inspect the same, and if, in his judgment, they are so deficient, he shall notify the owner or owners, occupant, lessee or other person having charge thereof, and require of him or them such increased facilities of egress, as in the judgment of the inspector, the security of the public in life and limb, in case of fire or accident may require. The person or persons so notified shall be allowed forty-eight hours from the time of the service of the notice to begin the alterations required by the notice; and he or they shall employ sufficient labor to accomplish the same as expeditiously as may be. If he or they shall refuse or neglect to comply with the requirements of said notice as aforesaid, then a survey of the premises shall be made in the manner set forth in the thirteenth section of chapter two hundred and ninety-eight of the acts of the year eighteen hundred and seventy-three. Upon the report of the board of survey, if the same shall declare that said premises are deficient in proper facilities of egress in case of fire or accident, and upon the continued neglect or refusal of the owner or owners, occupant, lessee or other person having charge thereof, to provide the requisite increased facilities of egress, then it shall be lawful for the supreme judicial court to issue an injunction forbidding or

limiting the use of the premises in such manner as the safety of the public or of persons using the same may require. Such owner or owners, occupant, lessee or other person having charge of the premises, shall likewise be liable to a penalty of not less than ten dollars nor more than fifty dollars, for every day's continuance of neglect or refusal to comply with the original notice of the inspector of buildings, to be recovered by the city of Boston in an action of tort.

Penalty for neglecting to make necessary alterations.

SECTION 2. Whenever it shall appear to the inspector of buildings of the city of Boston that in any of the buildings or structures, or portions thereof, mentioned in the foregoing section, the security of the public is either temporarily or permanently endangered by the use of combustible stuff or materials, or that benches, chairs, stools or other obstructions, are either temporarily or permanently placed in the aisles or passageways thereof, in such a manner as to prevent free egress in case of fire or accident, during the time when the same may be opened to the public, or that benches, chairs or settees are either temporarily or permanently so arranged as not to afford proper passage between them and sufficient egress in case of fire or accident, or that outer doors opening inward are not kept open when such buildings or structures are used by the public, the said inspector shall notify the owner or owners, lessee, occupant or other person having charge of the premises, and require him or them to make the premises safe, and if he or they shall refuse or neglect to do so, he or they shall be liable to a penalty of not less than fifty dollars nor more than five hundred dollars, for each offence, to be recovered by the city of Boston in an action of tort.

Combustible materials in buildings, and obstructions in passageways to be made safe, upon order of the inspector.

Penalty for neglect.

SECTION 3. All outer doors of buildings and structures mentioned in section one of this act, shall be kept open when such buildings or structures are used by the public, unless such doors open outwards and except that fly-doors opening both ways, may be kept closed. All inner doors of such buildings and structures shall be made so as to open outwards.

Outer doors opening inward, to be kept open while buildings are used by the public.

SECTION 4. Section sixty of chapter two hundred and eighty of the acts of the year eighteen hundred and seventy-one is hereby repealed.

Repeal of 1871, 280, § 60.

SECTION 5. This act shall take effect upon its passage.

Approved March 28, 1876.

[1876, 176; 1877, 84; 1878, 192; 1881, 117.]

[1872, 79: 1875, 87.]

Chap. 70 AN ACT in addition to an Act to supply the City of Lawrence with Water.*Be it enacted, etc., as follows :*

City of Lawrence Water Loan, \$100,000 additional.

SECTION 1. The city of Lawrence is authorized to issue from time to time notes, scrip, bonds or certificates of debt, to be denominated on the face thereof "City of Lawrence Water Loan," to an amount not exceeding one hundred thousand dollars, in addition to the amount authorized by chapter seventy-nine of the acts of the year eighteen hundred and seventy-two and chapter sixty-seven of the acts of the year eighteen hundred and seventy-five ; and the provisions of section nine of said chapter seventy-nine, shall be applicable to the issue provided by this act.

SECTION 2. This act shall take effect upon its passage.

Approved March 28, 1876.

Chap. 75 AN ACT to incorporate the Owners of Meadow Lands lying on Neponset River.*Be it enacted, etc., as follows :*

Corporators.

Name and purpose.

Powers and duties.

SECTION 1. The owners of the meadow lands lying on each side of Neponset River, in the towns of Sharon, Canton, Milton, Norwood, Dedham and Hyde Park, in the county of Norfolk, included between two parallel lines, the lower and north-easterly line crossing said river at Paul's Bridge, so called, at right angles with said river at said point, and the upper and south-westerly line crossing Tadpole Brook, so called, a tributary of said river, at the point where said brook meets the north-easterly dividing line between said towns of Norwood and Sharon, excepting that part of said lands known as the Common Field, in Purgatory Meadow, are hereby made a corporation by the name of The Neponset Meadow Company, with power to drain and improve said meadows from time to time for the purpose of saving the grass growing thereon, and improving the quality thereof, with the powers and privileges, and subject to the duties, restrictions and liabilities set forth in the general laws which now are or hereafter may be in force relating to such corporations. Said corporation may sue and be used by its corporate name, and shall have power to prosecute and maintain complaints under chapter one hundred and forty-nine of the General Statutes.

SECTION 2. Any justice of the peace, upon application in writing from ten or more of said owners, shall issue his warrant to one of the owners aforesaid, requiring him to notify and warn a meeting of said owners, for the purposes to be expressed in said warrant, by posting copies of said warrant in at least two public places in each of said towns, and by publishing the same once each week, for three successive weeks, in some newspaper published in one of said towns, said posting and said publication to be at least fourteen days before said meeting; and said owners, when legally assembled as aforesaid, may adopt by-laws for the government of said corporation, and may also choose a clerk, treasurer, assessors and collector, who shall be sworn to the faithful discharge of their duties, and shall continue in office until others are chosen and sworn in their stead which said officers may exercise the same power and authority in performing the duties of their appointment, as town officers of the like description.

First meeting
of owners of
meadow lands.

SECTION 3. In addition to the powers already granted, said corporation shall have power to remove grass, weeds and other natural obstructions, and all illegal obstructions in said Neponset River and its tributaries, whereby the drainage of their said meadow lands is obstructed or prevented, and to vote and raise moneys for said purposes, and for all other necessary expenses of said corporation; and all moneys which may be voted to be raised as aforesaid, shall be assessed upon each proprietor in said meadows, according to the number of acres owned by him, and the benefits likely to be received; and any owner who is aggrieved by the amount of the tax levied on his land, may at any time within thirty days after said assessment, appeal to the county commissioners for said county of Norfolk, who shall have power to reduce or increase the amount of said tax, and to make the same as said corporation should have made it, under the provisions of this bill; and if any owner shall refuse or neglect to pay the sum or sums assessed upon him as aforesaid for sixty days after demand thereof, so much of his said land may be sold as will be sufficient to pay the same, together with costs, in the same way and manner as non-resident owners' lands in this Commonwealth are sold to pay town taxes; but nothing herein contained shall authorize arrest of the person, nor the sale of any property except said meadow lands: *provided*, that this act shall not take effect until

May remove ob-
structions from
Neponset River.

Money to be
raised to be
assessed upon
proprietors.

Penalty for
neglect to pay
assessment.

Proviso.

the owners of three-quarters of all of the meadow lands included herein shall have expressed in writing their acceptance of this act, which acceptance, together with the oath of at least three of said owners, that, in their belief, the owners of three-quarters of all of said meadow lands have signed said acceptance, shall be filed in the office of the secretary of state, and the certificate of said secretary, that such alleged acceptance has been so filed, shall be *prima facie* evidence of such acceptance.

Approved March 28, 1876.

[Accepted Sept. 22, 1876.]

[1855, 13; 1867, 40, 221; 1871, 245; 1873, 242; 1874, 192.]

Chap. 77 AN ACT to authorize the Town of Arlington to issue Additional Water Scrip, and to limit the Amount thereof.

Be it enacted, etc., as follows :

May issue additional water scrip; whole amount not to exceed \$300,000.

SECTION 1. The town of Arlington, for the purposes mentioned in the eighth section of chapter two hundred and forty-two of the acts of the year eighteen hundred and seventy-three, may issue notes, scrip or certificates of debt, to be denominated on the face thereof "Arlington Water Scrip," to an amount not exceeding one hundred thousand dollars, in addition to the amount authorized by the first section of chapter one hundred and ninety-two of the acts of the year eighteen hundred and seventy-four, to be issued upon like terms and conditions and with like powers in all respects as are provided in said acts for the issue of "Arlington Water Scrip," by said town: *provided*, that the whole amount of such water scrip, bonds, notes or certificates issued by said town under the authority given by this act and by all other acts, shall not in any event exceed the amount of three hundred thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved March 30, 1876.

Chap. 78 AN ACT to authorize the Appointment and to define the Duties of a Harbor-Master for the Port of Salem.

Be it enacted, etc., as follows :

Harbor-master may be appointed.

SECTION 1. The board of mayor and aldermen of the city of Salem may appoint a harbor-master for the port of Salem, who shall continue in office until a successor is qualified, and who, before entering upon the duties of his office, shall give to the treasurer of said city a bond, which

To give bonds.

shall be satisfactory to the board of mayor and aldermen, in the sum of two thousand dollars, conditioned upon the faithful performance of his duties; and said harbor-master shall have the power to appoint a deputy when, in the opinion of the board of mayor and aldermen, it is necessary; and such appointment shall be subject to their approval, and said board shall fix the salaries of both of said officers. Said harbor-master shall enforce the provisions of this act.

May appoint a deputy.

SECTION 2. All vessels entering the said harbor shall be anchored according to the direction of said harbor-master.

Vessels to be anchored under direction of harbor-master.

SECTION 3. Every vessel, before unloading lumber in the stream, shall get a permit from said harbor-master, designating where such lumber may be rafted to avoid obstructing the channel or hindering the movements of other vessels.

To get a permit from harbor-master before unloading.

SECTION 4. Every vessel lying in the harbor, or at any wharf or pier, in said port, shall, when directed by said harbor-master, cockbill the lower yards, brace the topsail yards, fore and aft, and rig in the jib-boom.

To brace yards, etc., when directed.

SECTION 5. Said harbor-master may cause to be moved, any vessel lying in the harbor and not anchored according to his directions, and not moving when directed by him so to do, and the expense thereof shall be paid by the master or owners of such vessel; and in case of neglect or refusal to pay after the same shall have been demanded, said expense may be recovered of said master or owners by said harbor-master to the use of the said city, in an action of contract.

To be moved in harbor according to directions of harbor-master.

SECTION 6. No person shall throw or deposit in said harbor, or any part thereof, any stones, gravel, ballast, cinders, ashes, dirt, mud or other substance which may in any way tend to injure the navigation thereof.

Gravel, etc., not to be deposited in harbor.

SECTION 7. No warp or line shall be passed across the channel or any dock, so as to obstruct vessels passing along the same.

Channel not to be obstructed by warps or lines.

SECTION 8. If any vessel occupying a berth at any of the wharves or piers of said city, either with or without the consent of the wharfinger thereof, shall fail to vacate such berth upon notice from the wharfinger or his agent to the master, or those having such vessel in charge for the time being, in a reasonable time, to be adjudged by said harbor-master, said harbor-master shall then cause such vessel to

Vessels to change berths when directed.

be moved to some other berth or anchored in the stream, and the expense thereof may be collected of the master or owners thereof, by said harbor-master, to the use of said city, in an action of contract.

To be stationed
in stream as
harbor-master
may order.

SECTION 9. Said harbor-master shall have authority to regulate and station all vessels in the stream of said harbor, and to remove such as are not employed in receiving or discharging their cargoes, to make room for such others as require to be more immediately accommodated for the purpose of receiving or discharging their cargoes, and as to the fact of their being fairly and actually employed in receiving or discharging their cargoes, the said harbor-master is hereby constituted the sole judge.

Penalty for dis-
obeying instruc-
tions.

SECTION 10. Whoever shall refuse or neglect to obey the instructions of said harbor-master, or shall resist him in the execution of his duties, shall forfeit and pay a fine not exceeding fifty dollars.

Liability for
damages.

SECTION 11. Any person violating the provisions of this act, in addition to any fines imposed in accordance herewith, shall be liable in an action of tort to any person suffering damage by such violation.

Masters of ves-
sels to be fur-
nished with
copy of this act.

SECTION 12. It shall be the duty of said harbor-master to place in the hands of the master of every vessel arriving at the port of Salem, a copy of this act.

SECTION 13. This act shall take effect upon its passage.

Approved March 30, 1876.

[1873, 269.]

Chap. 81 AN ACT to extend the Time for building the Squantum Free Bridge.
Be it enacted, etc., as follows:

Time for com-
mencing and
completing,
extended.

The time fixed in section four of chapter two hundred and sixty-nine of the acts of the year eighteen hundred and seventy-three, for commencing and completing the Squantum Free Bridge, is hereby extended three years.

Approved March 30, 1876.

[1879, 145.]

Chap. 82 AN ACT to incorporate the New Bedford Marine Insurance Company.
Be it enacted, etc., as follows:

Corporators.

SECTION 1. Samuel H. Cook, Jireh Swift, Jonathan Bourne, junior, their associates and successors, are hereby made a corporation by the name of the New Bedford Marine Insurance Company, in the city of New Bedford,

Name and pur-
pose.

for the purpose of making insurance against maritime losses; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or hereafter may be in force relating to such corporations.

Powers and duties.

SECTION 2. Said corporation shall have a capital stock of one hundred thousand dollars, divided into shares of one hundred dollars each, which said stock may be increased at any time to two hundred thousand dollars.

Capital stock and shares.

SECTION 3. This act shall take effect upon its passage.

Approved March 30, 1876.

AN ACT to incorporate the Boston Widows' and Orphans' Association.
Be it enacted, etc., as follows:

Chap. 86

SECTION 1. Patrick Ward, Joseph Joyce, James O'Day, Austin Cannon, Patrick Clark, Peter Sheeran and M. J. Dunn, their associates and successors, are hereby made a corporation by the name of the Boston Widows' and Orphans' Association, for the purpose of rendering assistance to the sick, wounded and disabled members of said association, and the families of deceased members thereof, and of providing for the decent burial of the dead; with all the powers and privileges, and subject to all the liabilities, duties and restrictions set forth in all general laws which now are or may hereafter be in force relating to such corporations: *provided*, that said corporation shall not be subject to the laws relating to life insurance companies, and shall not be summoned as trustee in any action or process against any person or persons who may hereafter be entitled to assistance from said association under the by-laws thereof, or under the provisions of this act.

Corporators.

Name and purpose.

Powers and duties.

Proviso.

SECTION 2. Said corporation may take and hold, for the purposes aforesaid, real or personal estate, or both, to an amount not exceeding five thousand dollars.

Real and personal estate.

SECTION 3. This act shall take effect upon its passage.

Approved April 4, 1876.

[1865, 98.]

AN ACT in addition to an Act to incorporate the Baldwin Place Home for Little Wanderers.

Chap. 87

Be it enacted, etc., as follows:

SECTION 1. The Baldwin Place Home for Little Wanderers, which was incorporated by chapter ninety-eight of

\$200,000 additional real and personal estate.

the acts of the year eighteen hundred and sixty-five, may take and hold real and personal property to an amount not exceeding two hundred thousand dollars in addition to the amount permitted by the above act.

SECTION 2. This act shall take effect upon its passage.

Approved April 4, 1876.

[1845, 212; 1847, 60, 152; 1848, 229; 1850, 24, 30; 1853, 171; 1854, 313; 1855, 74, 76, 488; 1857, 2; 1859, 267; 1863, 149, 153, 163; 1868, 52, 225; 1869, 207, 360; 1870, 316; 1871, 180; 1874, 324.]

Chap. 92

AN ACT to amend the Charter of the City of New Bedford.

Be it enacted, etc., as follows :

Mayor and aldermen may appoint police officers, etc.

SECTION 1. The mayor and aldermen of the city of New Bedford may, from time to time, appoint such police officers and constables for said city as they may judge necessary, subject to removal by the mayor.

Watch and police departments may be united.

SECTION 2. The city council of the city of New Bedford are hereby authorized and empowered to unite, by ordinance, the watch and police departments of the said city into one department, and to organize the same, and from time to time to establish regulations therefor, not repugnant to the laws of the Commonwealth.

Police officers and constables may be required to give bonds.

SECTION 3. The mayor and aldermen may require any person who may be appointed a police officer or constable of the said city, to give bonds for the faithful discharge of the duties of his office, with such surety or sureties, and to such an amount, as may be deemed reasonable and proper, upon which bonds the like proceedings and remedies may be had as are by law provided in the case of constables' bonds taken by the selectmen of towns.

Repeal.

SECTION 4. All acts authorizing the city council of said city to appoint a city marshal and assistants, constables and police officers, and all other acts or parts of acts inconsistent with the provisions of this act, are hereby repealed: *provided*, that all officers now in service shall continue to hold their respective offices, unless sooner removed, until appointments shall be made, as hereinbefore provided.

Proviso.

SECTION 5. This act shall take effect upon its acceptance by the city council of the city of New Bedford.

Subject to acceptance by city council.

Approved April 4, 1876.

[Accepted May 4, 1876.] [1879, 162.]

AN ACT to authorize the Calling of the First Regular Meeting of the Centre School District of Great Barrington. *Chap. 93*

Be it enacted, etc., as follows :

SECTION 1. The selectmen of the town of Great Barrington, upon application made to them in writing by three or more residents who pay taxes in the Centre school district in said town, shall issue their warrant directed to one of the persons making the application, requiring him to warn the inhabitants of said district qualified to vote in town affairs, to meet at the time and place in the district expressed in said warrant.

Warrant for meeting to be issued upon application of three residents, etc.

SECTION 2. The warning shall be given by posting a true copy of said warrant upon the outside door of each school-house in said district at least fourteen days before the meeting, and by causing a true copy of said warrant to be published in the newspaper called the Berkshire Courier, published in Great Barrington, for two successive weeks, the last publication to be at least seven days before said meeting, and such warning shall be a legal and sufficient warning of the first regular meeting of said district, anything in the provisions of section fourteen of chapter thirty-nine of the General Statutes to the contrary notwithstanding.

Copy of warrant to be posted on school-house doors, and published in Berkshire Courier.

SECTION 3. This act shall take effect upon its passage.

Approved April 4, 1876.

AN ACT to incorporate the Citizens Exchange of Worcester.

Chap. 95

Be it enacted, etc., as follows :

SECTION 1. George F. Verry, James J. Russ, W. A. Denholm, Charles B. Pratt, their associates and successors, are hereby made a corporation, by the name of the Citizens Exchange, for the purpose of promoting trade and business in the city of Worcester and vicinity, with all the duties, liabilities and restrictions set forth in all general laws which now are or hereafter may be in force relating to such corporations: *provided, however*, that this act shall not be construed to authorize said corporation to traffic in goods, wares or merchandise of any description.

Corporators.

Name and purpose.

Proviso.

SECTION 2. Said corporation may hold real and personal estate not exceeding ten thousand dollars in value.

Real and personal estate.

SECTION 3. This act shall take effect upon its passage.

Approved April 4, 1876.

Chap. 97 AN ACT to incorporate the Trustees of the Deerfield Academy and Dickinson High School.

Be it enacted, etc., as follows :

Estate held under will of Mrs. Dickinson to be exempt from taxes.

SECTION 1. For the purpose of encouraging the establishment of a high school, library and reading-room, under the will of Mrs. Esther Dickinson, late of Deerfield, deceased, and of obviating certain objections which now exist to the execution of the trusts thereby created, all the estate real and personal held in trust under said will for the purpose aforesaid, shall be exempt from all manner of taxes, rates and impositions, so soon and so long as the trustees shall maintain the high school, library and reading-room therein provided for: *provided, however*, that this act shall not take effect unless accepted by the town of Deerfield on or before the fifteenth day of June next, at a regular annual town meeting, or a town meeting called for the purpose.

Proviso.

Corporators.

SECTION 2. Virgil M. Howard, John F. Moors, Elisha Wells, Dexter Childs and George W. Jones, and their successors to be appointed under the provisions of said will, are hereby made a corporation under the name of The Trustees of the Deerfield Academy and Dickinson High School, for the purpose of executing the trusts created by said will, with the powers and subject to the duties, liabilities and restrictions set forth in the general laws which now are or hereafter may be in force applicable to corporations organized under chapter thirty-two of the General Statutes, except as hereinbefore provided.

Name and purpose.

Powers and duties.

SECTION 3. This act shall take effect upon its passage.

Approved April 4, 1876.

[Accepted April 10, 1876.]

Chap. 98

AN ACT to supply the Town of Clinton with Pure Water.

Be it enacted, etc., as follows :

Clinton to be supplied with water.

SECTION 1. The town of Clinton is hereby authorized to supply itself and its inhabitants with pure water to extinguish fires, generate steam, and for domestic and other uses, and may establish public fountains and hydrants and regulate their use, may discontinue the same, and may collect such rents as may be fixed for the use of such water.

May take and hold the waters of Sandy Pond, etc.

SECTION 2. Said town, for the purposes aforesaid, may take and hold the waters of Sandy Pond, so called, and of any other natural pond or ponds, brook or brooks, within

the limits of the said town of Clinton, and may also take and hold, by purchase or otherwise, such land around the margin of said ponds or brooks, not exceeding five rods in width, as may be necessary for the preservation of the purity of said waters, and all other lands necessary for raising, flowing, holding, diverting, conducting, purifying and preserving such waters and conveying the same to any and all parts of said town, and may erect thereon proper dams, reservoirs, buildings, fixtures and other structures, and make excavations and embankments, and procure and run machinery therefor; and for such purposes may construct and lay down conduits, pipes and drains in, under or over any lands, water-courses, roads or railroads, and along any street, highway, alley or other way, in such manner as not to unnecessarily obstruct the same, and for the purposes of constructing, laying down, maintaining and repairing such conduits, pipes and drains, and for all other purposes of this act, may dig up, raise and embank any such lands, street, highway, alley or other way, in such manner as to cause the least hinderance to travel thereon: *provided*, that within ninety days after the time of taking any lands, water or water-courses as aforesaid, otherwise than by purchase, said town shall file in the registry of deeds for the county of Worcester a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same is taken, signed by the water commissioners hereinafter named.

May take and hold lands.

May lay down pipes and drains.

To file in the registry of deeds, a description of the land taken.

SECTION 3. The said town of Clinton shall be liable to pay all damages sustained by any persons or corporations in their property by the taking of any lands, water, or water rights or easements, or by the construction of any aqueducts or other works for the purposes aforesaid. If any person or corporation sustaining damages as aforesaid, cannot agree with the town upon the amount of such damages, they may have them assessed in the manner provided by law with respect to land taken for highways; but no application shall be made to the county commissioners for the assessment of damages for the taking of water rights, until the water is actually taken and diverted by said town.

Liability for damages.

Any person or corporation whose water rights are thus taken or affected, may apply as aforesaid within three years from the time the water is actually withdrawn or diverted, and not thereafter.

"Clinton Water Loan" not to exceed \$125,000.

SECTION 4. For the purpose of paying all necessary expenses and liabilities incurred under the provisions of this act, the said town of Clinton shall have authority from time to time to issue notes, bonds or scrip, signed by the treasurer, and countersigned by the chairman of the selectmen, to be denominated the "Clinton Water Loan," to an amount not exceeding one hundred and twenty-five thousand dollars, payable at periods not exceeding thirty years from the date thereof, with interest payable semi-annually, at a rate not exceeding seven per centum per annum; and said town may sell said bonds at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper, and may raise money by taxation to pay said bonds and interest thereon when due; but said town shall not raise more than five thousand dollars in any one year to pay the principal of said bonds, except the year in which the same may become due.

Water commissioners to be elected.

SECTION 5. Said town shall elect by ballot as hereinafter provided, three persons who shall form a board of water commissioners, whose duties it shall be to execute, superintend and direct the performance of all the works, matters and things mentioned in this act, and exercise all the rights, powers and privileges hereby granted, and not otherwise specifically provided for herein, subject to the vote of said town.

Terms of office.

SECTION 6. At any annual meeting of the inhabitants of said town, or at any special meeting called for the purpose, one of the three persons to be chosen according to the provisions of the preceding section, shall be elected for a term ending one year, one for a term ending two years, and one for a term ending three years from the next succeeding annual town meeting, after which first election, one member of said board, as the term of each expires, shall be elected at the annual town meeting for the term of three years.

Vacancies.

Any vacancy occurring in said board may be filled by said town for the unexpired term. A majority of said board shall constitute a quorum for the exercise of the powers and duties prescribed by this act.

Rents for use of water to be established.

SECTION 7. Said water commissioners shall establish such prices or rents for the use of the water, as to provide annually, if practicable, from the net income and receipts therefrom for the payment of the interest on the Clinton

Water Loan; and also after three years from the introduction of the water into said town for the further payment of not less than one per centum of the principal of said loan.

The net surplus income and receipts, after deducting all expenses, interest and charges of distribution, shall be set apart as a sinking fund, and applied solely to the payment of the principal of said loan, until the same is fully paid and discharged.

Sinking fund to be established.

The said water commissioners shall be trustees of said fund, and shall annually, and as often as said town may require, render an account of all their doings in relation thereto.

Commissioners to be trustees of fund.

SECTION 8. At any time after the expiration of three years from the introduction of said water into said town, and before the reimbursement of the principal of said Clinton Water Loan, if the surplus income and receipts for the use of the water distributed under this act, at the price established by the water commissioners, after deducting all expenses and charges of distribution, shall for any two successive years be insufficient to pay the accruing interest on the said loan, and the one per centum to the sinking fund as aforesaid, then the supreme judicial court, or any justice thereof, on the petition of twenty-five or more of the legal voters of said town, praying that the said price of said water be increased so far as may be necessary for the purpose of paying from the said surplus income and receipts the said accruing interest and the said one per centum to the sinking fund, and upon due notice of the pendency of such petition, given to said town in such manner as said court shall order, may appoint three commissioners, who, upon due notice to the parties interested, may raise and increase the said price if they shall judge proper, so far as may be necessary for the purpose aforesaid, and no further; and the award of said commissioners, or the major part of them, being returned to said court at the next term thereof for the county of Worcester, and accepted by said court, shall be binding and conclusive for the term of three years next after said acceptance, and until the price so fixed shall, after said term, be changed by said water commissioners or by said town.

Supreme judicial court may appoint commissioners to raise water rates, if income is not sufficient.

SECTION 9. The occupant of any tenement or building shall be liable for the payment of the rent for the use of the water in such tenement or building, and also the

Liability of owner and tenant.

owner thereof shall be liable, if on being notified of such use, he does not object in writing thereto.

Penalty for
diverting water
or rendering the
same impure.

SECTION 10. Any person who shall use any of said water without the consent of the town, or who shall wantonly or maliciously divert the water, or any part thereof, taken, held or used under the provisions of this act, or who shall wantonly or maliciously corrupt the same, or render it impure, or who shall wantonly or maliciously destroy or injure any dam, conduit, aqueduct, pipe or hydrant, or other property, real or personal, held, owned or used by the said town for the purposes of this act, shall pay three times the actual damage to said town to be recovered by an action of tort. Any such person, on conviction of either of the wanton or malicious acts aforesaid, shall be punished by fine not exceeding three hundred dollars or imprisonment in the house of correction not exceeding one year, or both said penalties.

Subject to ac-
ceptance by a
two-thirds vote
of the legal
voters.

SECTION 11. This act shall take effect upon its passage; but nothing shall be done, nor any expenditure made, nor liability incurred under the same, except for preliminary surveys and estimates, unless this act shall first be accepted by vote of two-thirds of the legal voters of said town, present and voting thereon at a legal meeting, called for that purpose within three years from the passage of this act.

Approved April 4, 1876.

[Accepted March 7, 1881.] [1881, 6.]

Chap. 99

AN ACT to authorize the Construction of certain Narrow-Gauge Railroads in Billerica and Bedford.

Be it enacted, etc., as follows:

Narrow-gauge
railroad in
Billerica and
Bedford.

SECTION 1. Any railroad corporation which may be organized during the year eighteen hundred and seventy-six, in accordance with the provisions of chapter three hundred seventy-two of the acts of the year eighteen hundred and seventy-four, for the purpose of locating, constructing, maintaining and operating a narrow-gauge railroad in the towns of Billerica and Bedford, may locate and construct its railroad with a gauge of two feet instead of three feet as established by the general law.

SECTION 2. This act shall take effect upon its passage.

Approved April 6, 1876.

[1877, 6; 1879, 40.]

[Old Colony, 1844, 150; 1845, 120, 126, 226, 241; 1846, 178; 1847, 85; 1848, 84; 1849, 163, 169, 195, 237; 1850, 260, 268; 1852, 124. Fall River, 1844, 100; 1845, 226, 234; 1846, 259; 1847, 210; 1849, 169, 198, 212; 1852, 67; 1854, 198. O. C. and F. R., 1854, 131, 303, 324; 1858, 171; 1861, 137, 156; 1862, 149. O. C. and N., 1863, 238; 1864, 18; 1865, 102; 1866, 97; 1867, 74, 170, 206, 271; 1868, 122, 189; 1869, 21, 71, 199; 1870, 47, 48, 378, 379, 397, 398; 1871, 54; 1872, 28, 92, 143, 296; 1874, 213.]

AN ACT to authorize the Fall River Railroad Company to Sell or Lease its Road. *Chap. 101*

Be it enacted, etc., as follows:

SECTION 1. The Fall River Railroad Company is hereby authorized to lease or sell its road, franchise and other property to the Old Colony Railroad Company, or to the New Bedford Railroad Company, or to the Boston, Clinton & Fitchburg Railroad Company, or to unite or consolidate with either of said companies; and either of said companies is hereby authorized to hire, purchase, unite or consolidate with the said Fall River Railroad Company, and may increase its capital stock to an amount not exceeding the sum expended therefor; but no such sale, lease, union or consolidation shall be made except by vote of the majority in interest of the stockholders of the corporation purchasing, hiring or uniting with said Fall River Railroad Company, at a meeting duly called for the purpose; and by a like vote of the stockholders of said Fall River Railroad Company at a meeting called for the purpose; and the terms and conditions of the proposed sale, lease, union or consolidation shall also be stated in the call for the said meeting of each corporation.

Fall River Railroad Company may sell or lease its road.

Proviso.

SECTION 2. In the event that the Fall River Railroad Company shall hereafter, as contemplated in this act, unite or consolidate with either of said corporations as aforesaid, the corporation so formed shall have, hold and possess all the powers, privileges, rights, franchises, property, claims and demands which, at the time of such union, may be held and enjoyed by either of said existing corporations, and be subject to all the duties, restrictions, debts and liabilities to which, at the time of union, either is subject in severalty; but the capital stock of the corporation so formed shall not exceed the sum of the capital stock of the uniting corporations at the time of such union; and after such union is effected the corporation so formed may take any corporate name that may be approved by the board of railroad commissioners.

New corporation to have all powers of the existing corporations if they are united.

Approved April 6, 1876.

[1876, 135.]

Chap. 102 AN ACT to authorize the Town of Provincetown to establish a Sinking Fund for the payment of its Indebtedness incurred by its Subscription for the Capital Stock of the Old Colony Railroad Company.

Be it enacted, etc., as follows:

Sinking fund may be established to pay for stock of Old Colony Railroad.

SECTION 1. The town of Provincetown may establish a sinking fund for the payment of its indebtedness incurred for the purpose of paying for the capital stock of the Old Colony Railroad Company, and may contribute thereto any sums which it may receive upon sales of said stock or from dividends thereon, or from taxes which it may vote to raise and appropriate therefor, and may transfer the custody and management of said stock to the commissioners of said sinking fund.

Subject to provisions of 1875, 209, § 5.

SECTION 2. Such sinking fund shall be subject to the provisions of section five of chapter two hundred and nine of the acts of the year eighteen hundred and seventy-five; and the commissioners thereof shall be elected, and vacancies in the board filled, in accordance with the provisions of said section five, with all the powers and subject to all the limitations and liabilities therein expressed.

Votes of town legalized.

SECTION 3. The votes of said town at a meeting held in February of the current year, establishing a sinking fund for the payment of such indebtedness and choosing commissioners therefor, shall have the same effect as if passed at a meeting duly called after this act takes effect; and the commissioners of said fund already chosen shall hold office for the terms for which they were chosen respectively, and vacancies in their offices shall be filled in the manner provided by said section five.

SECTION 4. This act shall take effect upon its passage.

Approved April 6, 1876.

[1872, 229.]

Chap. 103 AN ACT to regulate the Taking of Fish in North River, in the County of Plymouth.

Be it enacted, etc., as follows:

Seines not to be used.

Shad, salmon, etc., not to be caught until July 1, 1881.

Amended by 1877, 100.

SECTION 1. No person shall fish with a net or seine in North River or any of its tributaries, in the county of Plymouth, nor in any manner take or catch any shad, salmon or alewives, until the first day of July in the year eighteen hundred and eighty-one, under the penalty of five dollars for each shad or alewife, and fifty dollars for every salmon so taken.

SECTION 2. Any net or seine, together with any boat, craft or fishing apparatus used in violation of the provisions of this act, and all fish unlawfully captured as hereinbefore mentioned, shall be forfeited to the Commonwealth.

Boats, etc., unlawfully used to be forfeited.

SECTION 3. This act shall take effect on the first day of July in the year eighteen hundred and seventy-six.

To take effect July 1, 1876.

Approved April 6, 1876.

[1877, 109; 1879, 47; 1881, 44.]

AN ACT to authorize the City of Boston to reconstruct Dover Street Bridge, in said City.

Chap. 105

Be it enacted, etc., as follows:

SECTION 1. The city of Boston is hereby authorized to repair, reconstruct and widen Dover Street Bridge, so called, situated in said city, to a width not exceeding sixty feet; and may construct fender guards, may change the location of the draw, and do such other acts as it may deem necessary, expedient or convenient in the premises, to secure a bridge and draw which shall safely and conveniently accommodate public travel and navigation; subject, however, to the provisions of chapter four hundred and thirty-two of the acts of the year one thousand eight hundred and sixty-nine.

City of Boston may reconstruct and widen Dover Street Bridge.

SECTION 2. To secure and accomplish the objects and purposes of the preceding section, said city may take such lands, buildings, wharves and structures as it may deem necessary, and all damages to private property, or for land taken under this act, shall be ascertained, as provided in chapter forty-three of the General Statutes.

May take land, wharves, etc.

Damages.

Approved April 6, 1876.

[1868, 309, 335; 1870, 324; 1872, 185.]

AN ACT authorizing the Cities of Boston and Chelsea to reconstruct Chelsea Bridge.

Chap. 106

Be it enacted, etc., as follows:

SECTION 1. The city of Boston shall have authority to reconstruct that part of Chelsea Bridge now maintained by it, in the manner following, to wit:—to increase the width of said bridge to sixty-six feet, so that it shall be thirty-three feet in width on each side of the centre of the present bridge; to fill solid to said width the portion between the Charlestown end in the former city of Charlestown to the harbor commissioners' line, and also the portion between

City of Boston may reconstruct part of Chelsea Bridge.

the southerly sea-wall of the filled land of the Boston and Lowell Railroad Company, and the northerly sea-wall of the flats and filled land of the Mystic River Corporation; to change the location of the draw therein, and to build suitable draw-piers and fenders, subject however to the provisions of chapter four hundred and thirty-two of the acts of the year one thousand eight hundred and sixty-nine. In constructing the portions to be filled solid, the city of Boston shall have the option of building retaining walls, or bulkheads, or of sloping the sides to such an extent as may be necessary to build the roadway of the bridge to the width of sixty-six feet.

City of Chelsea
may reconstruct
part of Chelsea
Bridge.

SECTION 2. The city of Chelsea shall have authority to reconstruct that part of Chelsea bridge now maintained by it in the manner following, to wit:—to increase the width of said bridge to the extent and in the manner hereinbefore authorized to be done by the city of Boston; to fill solid to said width such portion of said bridge from the Chelsea end towards the draw as the harbor commissioners shall determine and permit to be filled, to the depth of not less than ten feet above mean low-water mark; to construct solid retaining walls for that purpose on both sides of said bridge, and if said city of Chelsea shall so elect, to slope the westerly side instead of constructing said solid retaining wall; to change the location of the draw piers and to build suitable piers and fenders for said draw; all subject however to the provisions of said chapter four hundred and thirty-two.

May take land,
buildings,
wharves, etc.

SECTION 3. To secure and accomplish the objects and purposes of the preceding sections, said cities may severally take such lands, buildings, wharves and structures, as they deem necessary; and all damages to private property, or for land, buildings, wharves or structures taken under this act shall be ascertained as prescribed in chapter forty-three of the General Statutes, and be severally paid for by said cities: *provided, however*, that nothing herein contained shall be construed to compel payment for any land or property within the location of said bridge as originally laid out.

Provided.

Harbor commis-
sioners to desig-
nate places
where material
may be taken
for filling.

SECTION 4. Such cities shall severally have the right to fill those portions of the bridge hereinbefore authorized to be filled solid, to the depth of ten feet above mean low-water mark, with material taken from flats or marsh between high and low-water mark at such place or places

as shall be designated by the harbor commissioners, and in such case no other compensation for said filling shall be required from said cities.

SECTION 5. Said cities of Boston and Chelsea are authorized, during the rebuilding of said bridge, to construct and maintain within their said respective limits a foot-walk; but they shall be subject to no liability for damages for any injury suffered by any person, while passing over said foot-walk by reason of any defect therein.

Foot-walk may be maintained while bridge is rebuilding.

SECTION 6. Nothing contained in this act shall affect any obligation existing on the part of any person or corporation to keep in repair any portion of the bridge, after the same shall have been rebuilt.

Obligations to keep in repair not affected.

SECTION 7. Either of said cities is authorized to build a temporary structure upon which the Lynn and Boston Horse Railroad Company may run its cars at its own risk, while said city is rebuilding any part of said bridge, or said railroad company may build and use said temporary structure itself, subject to the approval of the harbor commissioners: *provided*, that neither city shall be liable to any person or corporation by reason of maintaining said temporary structure, or by reason of any defect therein, and *provided also*, that nothing contained in this section shall be construed to prohibit either city from closing said bridge, or any portion thereof, to public travel, whenever it shall become necessary in the construction thereof.

Temporary structure may be built for use of Lynn and Boston Horse Railroad.

Provisos.

Approved April 6, 1876.

[1878, 41; 1880, 159.]

AN ACT to authorize the County Commissioners of the County of Essex to lay out a Highway and construct a Bridge over Ipswich River.

Chap. 107

Be it enacted, etc., as follows:

SECTION 1. The county commissioners for the county of Essex are hereby authorized and empowered, if in their judgment the public necessity and convenience require, to lay out a highway and construct a bridge and draw across Ipswich River in the town of Ipswich, in said county, at some place to be determined by them, between Coggsell's Wharf and Damon's Mills.

County commissioners may construct a bridge across Ipswich River. Amended by 1881, 45.

SECTION 2. Said commissioners, in laying out and constructing said road and bridge, shall, in all respects, proceed as is now provided by law for laying out and constructing highways.

To proceed as in laying out, etc., highways.

Application for
laying out to
be made within
one year.

SECTION 3. This act shall be void unless an application shall be made to the county commissioners to lay out said highway and bridge within one year from its passage.

Approved April 6, 1876.

[1881, 45.]

[1870, 355; 1871, 276; 1874, 289; 1875, 193.]

Chap. 108

AN ACT to extend the Time for the Construction and Completion of a Highway and Bridge across the Connecticut River at Turner's Falls.

Be it enacted, etc., as follows:

Time extended
for construction
and completion.

SECTION 1. The time mentioned in chapter one hundred ninety-three of the acts of the year eighteen hundred and seventy-five, for the construction and completion of the highway and bridge at Turner's Falls, is extended to four years from the passage of said act.

SECTION 2. This act shall take effect upon its passage.

Approved April 6, 1876.

[1877, 140.]

Chap. 111

AN ACT to incorporate the Bryant Free Library.

Be it enacted, etc., as follows:

Corporators.

SECTION 1. William C. Bryant, Arthur Bryant, John H. Bryant, Francis H. Dawes, Lorenzo H. Tower and the chairman, for the time being, of the selectmen of the town of Cummington, in Hampshire County, their associates and successors, are hereby made a body corporate, by the name of the Byrant Free Library, for the purpose of establishing and maintaining in said town of Cummington an institution to aid in the promotion of education, culture and refinement, and the diffusion of knowledge, by means of a library free to all the inhabitants of said town, with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force applicable to such corporations.

Name and pur-
pose.

Powers and
duties.

Real and per-
sonal property.

SECTION 2. Said corporation may hold real and personal property for the purpose aforesaid to the amount of seventy-five thousand dollars, and all gifts, devises, bequests, and grants thereto, shall be devoted to such purposes expressly, and used in conformity with and held upon the conditions, upon which such gifts, devises, bequests or grants may be made: *provided*, that such conditions are not inconsistent with the provisions of this act.

Proviso.

SECTION 3. The town of Cummington, so long as said corporation maintains a public library for the use of the inhabitants thereof, in conformity with this act and the conditions of such gifts, devises, bequests and grants as may from time to time be made to and accepted by it, is hereby authorized to appropriate and pay money to aid in supporting such institution, the same as may be done by law for the support of public libraries; and said corporation may receive and use in conformity with this act all such appropriations as may from time to time be made.

Town may appropriate money for support of library.

SECTION 4. The persons heretofore named in this act shall constitute a board of trustees of such corporation, and shall have authority to fill all vacancies in any manner occurring, but the number of said trustees shall never exceed six; and the chairman of the selectmen of the town of Cummington, for the time being, shall always be *ex officio* one of that number. They shall choose of their number a president of the board, a clerk, and a treasurer, and prescribe the duties of each, and generally make such by-laws and regulations for the management of the institution and of its property and funds, and the use of its library, not in conflict with this act, as they shall deem best calculated to carry out its purposes and those of the gifts, grants, bequests or devises which may be made to it. And all the accounts and records of said library and all the books in which any memorandums of the management of the said institution are made, shall at all convenient times be freely open to the inspection and examination of any inhabitant of the town of Cummington who may desire information of its affairs and condition.

Board of trustees.

Officers of corporation.

SECTION 5. This act shall take effect upon its passage.

Approved April 6, 1876.

[Special Laws, vol. 2, p. 175; 1819, 88, 96; 1850, 139.]

AN ACT to change the Name of the West Congregational Society in Dracut.

Chap. 112

Be it enacted, etc., as follows:

SECTION 1. The name of the West Congregational Society in Dracut is hereby changed to the Pawtucket Society in Lowell.

Name changed.

SECTION 2. This act shall take effect upon its passage.

Approved April 6, 1876.

[1853, 365; 1866, 124; 1867, 190, 245; 1869, 133, 143; 1871, 59; 1873, 366; 1874, 285; 1875, 82.]

Chap. 116 AN ACT to change a Portion of the Harbor Line in Gloucester Harbor.

Be it enacted, etc., as follows:

Harbor lines
established in
Gloucester
harbor.

SECTION 1. So much of chapter one hundred and twenty-four of the acts of the year one thousand eight hundred and sixty-six as establishes a harbor line beyond which, in Gloucester harbor, no wharf, pier or other structure shall ever hereafter be extended into or over tide-waters in said harbor, from a point in the line established by said act, which point is one hundred and fifty-one feet distant from the stone bulkhead, and perpendicular thereto; thence in a straight line north-westerly one hundred and eleven feet to a point one hundred and thirty feet distant from the stone bulkhead and perpendicular thereto; thence in a straight line north-westerly one hundred and ninety-one feet to the north-west corner of the present wharf of Pettingell and Cunningham; thence in a straight line north-westerly two hundred and ninety-two feet to the north-west corner of the present wharf of J. O. Proctor; thence in a straight line north-westerly one hundred and eighty-seven feet to the north-west corner of the present wharf of F. E. Riggs and Company; thence in a straight line north-westerly eighty-six feet to a point three hundred and forty-four feet distant from the north-east corner of Commercial and Beach streets, is hereby repealed: and in place of such portion of said harbor line, a harbor line is hereby established, beginning at said point in the line established by said act of the year one thousand eight hundred and sixty-six, which point is one hundred and fifty-one feet distant from the stone bulkhead and perpendicular thereto; thence in a straight line north-westerly one hundred and eleven feet to a point one hundred and fifty feet distant from the stone bulkhead and perpendicular thereto; thence in a straight line north-westerly about seven hundred and sixty feet to a point three hundred and forty-four feet distant from the north-east corner of Commercial street: beyond said last described line hereby established, no wharf, pier or other structure shall ever hereafter be extended into or over tide-waters in said harbor of Gloucester.

Wharves, etc.,
not to be ex-
tended beyond
established line.

Provisions of
1866, 124, §§ 4, 5.

SECTION 2. Sections four and five of said chapter one hundred and twenty-four shall apply to this act.

SECTION 3. This act shall take effect upon its passage.

Approved April 6, 1876.

AN ACT to appropriate the Income of the Compensation Fund for Boston Harbor. *Chap. 119*

Be it enacted, etc., as follows :

The board of harbor commissioners is authorized to contract for dredging off shoals in Boston harbor, in such localities as said board shall designate to a depth not exceeding twenty-three feet at mean low-water, such contracts to be subject to the approval of the governor and council. The income from the compensation fund for Boston harbor, received during the year eighteen hundred and seventy-five and during the year eighteen hundred and seventy-six, shall be used to pay for such dredging, and the same is hereby appropriated.

Harbor commissioners may contract for dredging off shoals in Boston Harbor.

Approved April 6, 1876.

[B. & M., 1876, 7; N., 1846, 90; 1848, 285; 1849, 94, 199; 1850, 140; 1851, 104, 212; 1852, 167; 1853, 276; 1854, 190; 1855, 14, 62, 216; 1856, 88; 1864, 233.]

AN ACT to authorize the Boston and Maine Railroad to purchase the Newburyport Railroad. *Chap. 124*

Be it enacted, etc., as follows :

SECTION 1. The Boston and Maine Railroad is authorized to purchase the rights, franchise and property of the Newburyport Railroad Company, and the said Newburyport Railroad Company is authorized to convey and assign to the said Boston and Maine Railroad its franchise and property, and all the rights, easements, privileges and powers granted it; and the said Boston and Maine Railroad shall, upon such conveyance being made to it, have and enjoy all the rights, powers, privileges, easements, franchises and property, and be subject to all the duties, liabilities, obligations and restrictions to which said Newburyport Railroad Company may be subject: *provided, however,* that such purchase or sale shall not be valid unless agreed to by the directors of the contracting corporations, and approved by the majority of the votes at meetings of the stockholders of each corporation called for that purpose, and by the board of railroad commissioners.

Boston and Maine Railroad may purchase the Newburyport Railroad.

Provided.

SECTION 2. This act shall take effect upon its passage.

Approved April 7, 1876.

[1876, 126; 1878, 245; 1880, 205; 1881, 265.]

[1835, 96; 1850, 272; 1859, 197; 1869, 179.]

Chap. 125 AN ACT in Addition to an Act to incorporate the Proprietors of the Cemetery of Mount Auburn.*Be it enacted, etc., as follows :*

Owners of lots containing one hundred square feet, to become members of the corporation.

Proviso.

Corporation may annex to cemetery all its lands within present inclosure.

SECTION 1. All persons who now are, or shall hereafter become proprietors of lots in the cemetery of Mount Auburn of a size not less than one hundred square feet each, shall thereby become members of the corporation known as the Proprietors of the Cemetery of Mount Auburn: *provided*, that this section shall not take effect until accepted by said corporation at a meeting called for the purpose.

SECTION 2. The said corporation may, by vote of its trustees, annex to its cemetery and use, for the purposes set forth in its charter, all the lands now owned by it and included within the present inclosure with its cemetery; and the said lands and any structure or thing now or hereafter erected or placed thereon, and used solely for the purposes set forth in said charter, for the repair, improvement, preservation and embellishment of said cemetery, and the lots of proprietors therein, shall thereby become a part of said cemetery, except stables or workshops and their contents; and the said corporation within thirty days after the passage of this act shall file in the registry of deeds for the southern district of the county of Middlesex, a plan of the lands now owned by it and included within the present inclosure with its cemetery.

SECTION 3. This act shall take effect upon its passage.

Approved April 7, 1876.

[B. & M., 1876, 7; D., 1852, 32, 167; 1853, 276; 1854, 1; 1855, 42; 1857, 263; 1860, 63.]

Chap. 126 AN ACT to authorize the Boston and Maine Railroad to purchase the Danvers Railroad.*Be it enacted, etc., as follows :*

Boston and Maine Railroad may purchase the Danvers Railroad.

SECTION 1. The Boston and Maine Railroad is authorized to purchase the rights, franchise and property of the Danvers Railroad Company, and the said Danvers Railroad Company is authorized to convey and assign to the said Boston and Maine Railroad its franchise and property, and all the rights, easements, privileges and powers granted it, and the said Boston and Maine Railroad shall, upon such conveyance being made to it, have and enjoy all the rights, powers, privileges, easements, franchises and property,

and be subject to all the duties, liabilities, obligations and restrictions to which said Danvers Railroad Company may be subject: *provided, however*, that said purchase or sale shall not be valid unless agreed to by the directors of the contracting corporations, and approved by the majority of the votes at meetings of the stockholders of each corporation called for that purpose, and by the board of railroad commissioners.

SECTION 2. This act shall take effect upon its passage.

Approved April 7, 1876.

[1842, 84; 1845, 218; 1846, 21; 1847, 200, 260; 1849, 18, 223; 1850, 122, 146; 1851, 34, 72, 244, 329; 1852, 147, 162, 194, 306; 1853, 270, 353, 367; 1855, 94, 230, 240, 259, 266, 419; 1856, 138, 296; 1857, 124, 128, 1865, 222; 1866, 244, 278; 1867, 31, 170, 236, 335, 342; 1868, 96, 237; 1869, 127, 241, 260, 318, 353; 1870, 246, 252, 301, 344; 1872, 83, 105; 1873, 357; 1874, 401.]

AN ACT to extend the Provisions of Chapter Four Hundred and One of the Acts of the Year Eighteen Hundred and Seventy-Four in relation to the Taking of Land by the Fitchburg Railroad Company.

Chap. 128

Be it enacted, etc., as follows:

SECTION 1. The time within which the Fitchburg Railroad Company may avail itself of the rights and privileges granted by chapter four hundred and one of the acts of the year eighteen hundred and seventy-four, is hereby extended for the term of three years.

Time extended for taking land, etc.

SECTION 2. Said chapter and this act shall not authorize said Fitchburg Railroad Company to take any lands east of Charles River Avenue in that portion of the city of Boston, known as Charlestown.

Land east of Charles River Avenue in Charlestown not to be taken.

Approved April 7, 1876.

[1878, 210; 1879, 175, 277; 1880, 57, 100; 1881, 168.]

[1852, 105; 1853, 7; 1855, 55, 481; 1859, 19; 1867, 150.]

AN ACT in further Addition to an Act relating to the Mystic River Corporation.

Chap. 129

Be it enacted, etc., as follows:

The Mystic River Corporation is hereby authorized to construct docks, not exceeding six in number, inwardly from the line of its sea-wall on the north channel above Chelsea Bridge; and the material excavated from the flats in said docks may be used in filling the inclosures in the manner and as is required by section three of chapter four hundred and eighty-one of the acts of the year eighteen hundred and fifty-five: *provided*, that all the specific exca-

May construct docks above Chelsea Bridge.

Proviso.

Wharfage and
dockage.

vations required by section two of said act shall be made and maintained by said Mystic River Corporation, its successors or assigns; and *provided*, that no such dock shall be constructed within three hundred feet of said Chelsea Bridge, nor until the space under said bridge between the north sea-wall and the sea-wall on the south channel built by said corporation shall be filled solid. And vessels may be laid in said docks, and dockage and wharfage be received therefor.

Approved April 7, 1876.

[1878, 5; 1880, 145; 1881, 239.]

Chap. 130

AN ACT to supply the Town of Hingham with Pure Water.

[The validity of this act depended upon its acceptance by the town of Hingham. It was rejected Aug. 19, 1878, and consequently became void.]

Chap. 131

AN ACT to incorporate the Town of Merrimac.

Be it enacted, etc., as follows :

Town of Mer-
rimac incor-
porated.

Territorial
limits.

SECTION 1. All the territory now within the town of Amesbury in the county of Essex, comprised within the following limits, that is to say; beginning at a point on the Merrimac River, at the middle of the mouth of Pressey's Creek (so called), thence running northerly in a straight line to the most northerly point of land on the southerly side of Kimball's Pond, thence north-westerly in a straight line to a point on the town line dividing Amesbury and Newton, New Hampshire, two thousand and fifty feet west from the monument on the state line dividing Massachusetts and New Hampshire, situated on a road leading from Newton to Amesbury and near the house of Arthur Robertshaw, thence westerly, south-westerly and south-easterly as the present division lines run between the said town of Newton, city of Haverhill and said town of Amesbury, to a point on the Merrimac River, thence easterly by the Merrimac River to the point of beginning; is hereby incorporated into a town by the name of Merrimac, and said town of Merrimac is hereby invested with all the powers, privileges, rights and immunities, and is subject to all the duties and requisitions to which other towns are entitled and subjected by the constitution and laws of this Commonwealth.

Inhabitants of

SECTION 2. The inhabitants of said town of Merrimac

shall pay all taxes which have been legally assessed upon them by said town of Amesbury; and all taxes heretofore assessed and not collected, shall be collected by and paid to the proper officers of said town of Amesbury, in the same manner as if this act had not been passed. And until the next state valuation, the proportion of state and county taxes to be assessed upon said towns of Amesbury and Merrimac shall be ascertained and determined by the last valuation of said town of Amesbury, and the assessors of said town of Amesbury shall make return of said valuation and of the proportions thereof in said towns of Amesbury and Merrimac respectively, to the secretary of the Commonwealth and to the commissioners of the county of Essex.

Merrimac to pay assessed taxes to town of Amesbury.

SECTION 3. Said towns of Amesbury and Merrimac shall be respectively liable for the support of all persons who now are or shall hereafter be in need of relief as paupers, whose settlements were gained, whether by original acquisition or derivation, within their respective limits; and said town of Merrimac shall also pay annually to said town of Amesbury two-fifths of the costs paid by the last named town for the support or relief of paupers whose settlements were acquired therein or derived from a settlement acquired therein in consequence of military services in the war of the rebellion: *provided*, that the person who rendered such military service was not at the time of his enlistment an inhabitant of said Amesbury.

Liability for support of paupers.

SECTION 4. Said town of Merrimac shall pay annually to the town of Amesbury, two-fifths of the amount paid by said town of Amesbury, for the maintenance of the Essex Merrimac and Rock's bridges, until such time as a new apportionment shall be made, or a different method adopted for the maintenance of said bridges.

Support of Essex Merrimac and Rock's bridges.

SECTION 5. All suits or proceedings at law or in equity, where the cause of action in favor of or against the town of Amesbury arose before the passage of this act, may be instituted and prosecuted, or defended, as the case may be, by either or both of the towns of Amesbury and Merrimac in the name of the town of Amesbury or of the inhabitants thereof in their corporate capacity, in the same manner and with the same effect as the town of Amesbury might have instituted and prosecuted or defended such suits or proceedings if this act had not been passed; and the net amount recovered by said town of Amesbury,

Suits may be prosecuted or defended by Amesbury or Merrimac, where cause of action arose before passage of this act.

Provisos.

after deducting all costs and expenses, or the amount ascertained to be due from said town in any such suit or proceeding, shall be divided between the towns of Amesbury and Merrimac in the proportion that the public property and debts of the town of Amesbury are required to be divided by this act: *provided*, that neither of said towns shall be liable for costs to the other, unless it appears in the suit; nor shall either town, unless it appears in a suit, be liable for costs to the defendant therein, but only that town which appears shall be so liable for costs; and *provided, further*, that nothing in this section shall be construed to relieve the town of Merrimac from paying to the town of Amesbury the proportionate part prescribed by this act of costs and expenses incurred before the passage of this act in any suit or proceeding pending at the time of said passage, in like manner as is provided in this act for other debts of the town of Amesbury.

Division of corporate property and public debt.

SECTION 6. The corporate property belonging to said town of Amesbury at the passage of this act, and the public debt of said town existing at said date, shall be divided between said towns of Amesbury and Merrimac in the following manner, viz.: said town of Merrimac shall receive two-fifths of said corporate property and shall pay two-fifths of said public debts, the remaining three-fifths of said property to be received, and the remaining three-fifths of said debts to be paid by said town of Amesbury; and said town of Merrimac shall receive two-fifths of whatever amount may be hereafter refunded to said town of Amesbury from the state or the United States to reimburse said town of Amesbury for bounties to soldiers or state aid paid to soldiers' families, after deducting all reasonable expenses; and said town of Merrimac shall bear the expense of making the survey and establishing the line between said towns.

Re-imbursement for state aid and bounties to soldiers.**Surplus revenue.**

SECTION 7. The town of Merrimac shall pay to the town of Amesbury two-fifths of the "surplus revenue" whenever payment of the same shall be called for by the government of the United States.

Merrimac to remain a part of sixth congressional district.

SECTION 8. The town of Merrimac, until otherwise provided by law, shall continue to be a part of the sixth congressional district, and the voters of said town shall vote for representatives to congress at meetings in said town legally called for the purpose.

SECTION 9. The town of Merrimac, until the expiration of the present political year, for the purposes of any appointment or election which may be had to fill a vacancy arising in the council, senate or house of representatives, shall continue to be a part of the fifth council district, of the fourth Essex senatorial district, and of the first Essex representative district; and in any election to fill such vacancy the voters of the town of Merrimac shall vote at meetings in said town, legally called for that purpose; and in case a new election is ordered during the present political year to fill a vacancy in the house of representatives for the first Essex representative district, the clerk of the town of Merrimac shall meet with the clerks of the towns of Amesbury, Salisbury and West Newbury, for the purpose of ascertaining the result of said election and of making certificates of the same at a meeting to be held at noon on the day following said election, or at any adjournment of said meeting, according to law, at the town clerk's office in Amesbury.

Election of
state officers.

SECTION 10. In all elections held within the present political year, or afterwards, for members of the council or senate, or for representatives to the general court, for terms of service beginning after the expiration of the present political year, the town of Merrimac shall be a part of the same council, senatorial or representative district as that in which the town of Amesbury may be lawfully placed; and the voters of the town of Merrimac shall vote in such elections at meetings in said town legally called for the purpose; and the clerk of the town of Merrimac shall meet with the clerk of the town of Amesbury, and the clerks of any other town or towns which may be included in the same district therewith, for the purpose of ascertaining the result of said election and of making certificates of the same, at a meeting to be held at noon on the day following said election, or at any adjournment of said meeting, according to law, at such place as may be duly appointed.

Amesbury and
Merrimac to be
in same districts
for election of
state officers.

SECTION 11. Any justice of the peace within and for the county of Essex, may issue his warrant, directed to any inhabitant of the town of Merrimac, requiring him to notify and warn the inhabitants thereof qualified to vote in town affairs, to meet at the time and place therein appointed, for the purpose of choosing all such town officers as towns are by law authorized and required to choose at

First meeting
for election of
town officers.

their annual meetings; and said warrant shall be served by publishing a copy thereof in some newspaper printed in the county of Essex, and by posting up copies thereof, all attested by the person to whom the same is directed, in three public places in said town of Merrimac seven days at least before such time of meeting. Such justice, or in his absence such individual required to notify the meeting, shall preside until the choice of moderator in said meeting. The selectmen of the town of Amesbury shall, before said meeting, prepare a list of voters in said town of Merrimac qualified to vote at said meeting, and shall deliver the same to the person presiding at such meeting before the choice of a moderator thereof.

SECTION 12. This act shall take effect upon its passage.

Approved April 11, 1876.

[1861, 63; 1862, 32; 1863, 97; 1864, 284; 1865, 118, 201; 1867, 6; 1869, 164, 397; 1874, 260.]

Chap. 132 AN ACT authorizing an Exchange of the Bonds of the Salem Street Railway.

Be it enacted, etc., as follows:

Salem Street
Railway bonds
may be ex-
changed.

SECTION 1. The franchise and property of the Salem Street Railway, conveyed in mortgage to trustees, to hold the same as security for the bonds of said company, issued in its present name, or in the name of the Salem and South Danvers Railroad Company, shall be held and applied in like manner as security for such of the bonds of the Naumkeag Street Railway Company as may be exchanged for any of said bonds of the Salem Street Railway, issued under either of said names; and said security shall be in addition to the security already held in trust for the bonds of the Naumkeag Street Railway Company.

Bonds received
in exchange to
be cancelled.

SECTION 2. The bonds received in exchange, as afore-said, shall be cancelled and delivered up to said trustees, who shall certify thereon that they are cancelled as afore-said; and a certificate setting forth the fact and date of said exchange, and signed by one of said trustees, shall be made upon each one of the bonds of the Naumkeag Street Railway Company given in exchange therefor.

Bondholders'
rights not to
be affected.

SECTION 3. Nothing in this act shall be construed to diminish the security or affect the rights of the holder of any bond of the Salem Street Railway, who may not choose to make an exchange under this act.

Subject to

SECTION 4. This act shall take effect when accepted by

a majority of the stockholders of the Salem Street Railway, present at a meeting called for that purpose.

acceptance by
stockholders.

Approved April 11, 1876.

[Accepted August 6, 1881.]

[1871, 289 ; 1872, 124 ; 1873, 16.]

AN ACT to provide Additional Terminal Facilities in Springfield for the Springfield, Athol and North-Eastern Railroad and the Springfield and New London Railroad.

Chap. 134

Be it enacted, etc., as follows :

The Springfield and New London Railroad Company and the Springfield, Athol and North-Eastern Railroad Company, or any lessee lawfully operating the railroad of either of said corporations, may enter upon and use the road of the Boston and Albany Railroad Company with passenger trains between the junction of the roads of the two first named corporations and the passenger station of the Boston and Albany Railroad Company in Springfield, and may have suitable accommodations at said station for said trains and for passengers : *provided*, that the board of railroad commissioners after hearing the parties in interest shall adjudge such entering upon and use of the road and passenger station of said Boston and Albany Railroad to be necessary and desirable, and shall fix a reasonable compensation to be paid therefor.

Terminal
facilities for
railroads in
Springfield.

Provido.

Approved April 11, 1876.

[1878, 113 ; 1880, 172.]

[1872, 143, 295 ; 1873, 9, 146, 187, 324 ; 1874, 55, 63, 183, 213 ; 1876, 40.]

AN ACT to authorize the Old Colony Railroad Company to purchase the Railroad of the Fall River, Warren and Providence Railroad Company.

Chap. 135

Be it enacted, etc., as follows :

SECTION 1. The Old Colony Railroad Company is authorized to purchase the rights, franchise and property of the Fall River, Warren and Providence Railroad Company ; and the said Fall River, Warren and Providence Railroad Company is authorized to convey and assign to the said Old Colony Railroad Company its franchises and property, and all the rights, easements, privileges and powers granted to it ; and the said Old Colony Railroad Company shall, upon such conveyance being made to it under the provisions of this section, have and enjoy all the rights, powers, privileges, easements, franchises and property of said Fall River, Warren and Providence Railroad

Old Colony
Railroad may
purchase the
Fall River,
Warren and
Providence
Railroad.

Proviso.

Company, and be subject to all the duties, liabilities, obligations and restrictions to which said last named corporation may be subject: *provided, however*, that such purchase or sale shall not be valid, unless agreed to by the directors of the last named corporation and approved by a majority of the votes at a meeting of the stockholders of said last named corporation called for that purpose, and by the board of railroad commissioners.

May purchase railroad if sold under provisions of mortgage.

SECTION 2. In case of a sale of the railroad, franchise and property of the said Fall River, Warren and Providence Railroad Company, under the provisions of the mortgage authorized by chapter one hundred and ninety-eight of the acts of the year eighteen hundred and seventy-three, the Old Colony Railroad Company is authorized to become the purchaser at such sale, and in case it shall so purchase, may thereafter maintain and operate the said railroad.

SECTION 3. This act shall take effect upon its passage.

Approved April 11, 1876.

[1877, 9 ; 1878, 150 ; 1879, 140 ; 1880, 238, 245 ; 1881, 14.]

Chap. 136

AN ACT to empower the City of Boston to lay and maintain a Main Sewer discharging at Moon Island in Boston Harbor, and for other purposes.

Be it enacted, etc., as follows :

City of Boston may maintain a main sewer discharging at Moon Island.

SECTION 1. The city of Boston shall have authority, in addition to the powers now possessed by it, for the purpose of laying and maintaining a main sewer running south-easterly from the direction of Charles River, to build and maintain wharves, pumping works and reservoirs for said sewer, on the main land, at or near the mouth of Neponset River, thence to conduct said sewer, by means of a siphon or tunnel under the bottom of the harbor, at or near the mouth of said river, to that part of the town of Quincy called Squantum, thence along or across said Squantum and the flats adjacent thereto, to Moon Island. Said city shall also have authority to build and maintain a reservoir or reservoirs at Moon Island, and other works essential to a proper and convenient discharge of the contents of said sewer. In any construction over tide water said city shall be subject to the direction of the harbor commissioners in the manner pointed out in chapter four hundred and thirty-two of the acts of the year one thousand eight hundred and sixty-nine.

May take lands,

SECTION 2. The city of Boston shall have authority to

take such lands, buildings, wharves and structures as may be necessary to accomplish the objects of the preceding section; and all damages to private property, or for lands, buildings, wharves or structures taken under this act, shall be ascertained as prescribed in chapter forty-three of the General Statutes, and paid by the city of Boston.

wharves, etc.

SECTION 3. The city of Boston and the town of Brookline may contract with each other for the use and support in common of the city sewer now constructed in Beacon Street in Boston and leading into Charles River, and for the building by said town at its sole expense within the limits of said city, of a sewer about nine hundred feet in length from the town line to connect the town drains with such city sewer, and for the support, at the joint and equal expense of each, of the outlet of the sewer and the carrying the same out farther into Charles River if necessary; they may also contract with each other for the building and support in common of a new covered channel for Muddy River, such new channel to run from Tremont street along the line of division between said city and town and to empty into the present channel of Muddy River east of Aspinwall Avenue; if it shall be necessary to take land for the purpose of carrying out the provisions of this section, said city and said town, each within its own territory, may take such land as may be necessary, and persons aggrieved by such taking shall have their damages ascertained and paid, and all the proceedings shall be conducted in conformity to the laws applicable to the laying out of town ways in said town, and highways in said city.

Sewer may be used in common by Boston and Brookline by agreement.

Covered channel for Muddy River.

Approved April 11, 1876.

[1879, 230.]

AN ACT to incorporate the Dedham Water Company.

Chap. 138

Be it enacted, etc., as follows:

SECTION 1. Edward S. Rand, Jr., Waldo Colburn, Winslow Warren, Erastus Worthington, Royal O. Storrs, William Bullard, Ira Cleveland, Edward Stimson, Thomas Sherwin, Thomas L. Wakefield, J. P. Maynard, L. H. Kingsbury, F. D. Ely, John R. Bullard and Charles C. Loring, their associates and successors, are made a corporation, by the name of the Dedham Water Company, for the purpose of furnishing the inhabitants of Dedham with pure water; with the powers and privileges, and subject to the duties, restrictions and liabilities set forth in the

Corporators.

Name and purpose.

general laws which now are or may hereafter be in force, relating to such corporations.

May take water from Charles River and Buckmaster Pond.

SECTION 2. Said corporation, for the purposes aforesaid, may take, hold and convey through said town of Dedham, or any part thereof, the waters of Charles River, Buckmaster Pond, or any other natural pond or ponds, spring or springs, brook or brooks, within said town of Dedham; and may take and hold, by purchase or otherwise, any real or personal estate necessary for laying and maintaining aqueducts for conducting, discharging and distributing water, and for forming reservoirs, and may take and hold land in or around such river, ponds, springs or brooks, and around any storage or distributing reservoir as may be necessary (not exceeding five rods in width) to protect the same and secure the purity of the water; and may also take and hold, in like manner, such land as may be necessary for erecting any building for machinery to raise water or force it through the town or any part thereof; for constructing any reservoir; for erecting any dam or embankment, and for laying down and maintaining conduits and pipes, and constructing drains, aqueducts, hydrants and other works for collecting, conducting and distributing water among the inhabitants.

To file in the registry of deeds a description of the land taken.

Said corporation shall, within ninety days after taking such land, file in the registry of deeds, in the county of Norfolk, a description of the land so taken, sufficiently accurate for identification, together with a statement of the purpose for which said lands are taken, signed by the president of said corporation.

Water taken from Charles River not to exceed one and a half million of gallons daily.

SECTION 3. In case said corporation shall take the waters of Charles River under this act, they shall be limited to an amount of water not exceeding one million and a half gallons daily, and it shall be the duty of said corporation to provide some reliable means or method of measuring and registering the amount of water taken from Charles River, as soon as they commence taking the same, such register or record to be accessible at all times to any interested parties; and if the owners of any water rights in the waters of said river and said corporation shall fail to agree upon the mode of measurement, the method shall be fixed by one or more engineers, to be appointed, upon the application of either party, by any justice of the supreme judicial court; and the said corporation may, by a vote thereof, declare the quantity proposed to be taken

Water to be measured.

from Charles River, not exceeding one and a half million of gallons daily, such vote to be passed not less than six months before the waters shall be withdrawn from said river. And a copy of such vote being filed in the registry of deeds for Norfolk County within sixty days thereafter, the terms thereof shall be held to be the measure and limit of the right of said corporation to take or divert the waters of said river, under this act.

SECTION 4. Said corporation may construct one or more permanent aqueducts from any of the sources before mentioned, into and through said town, and have and maintain the same by any works suitable therefor; may erect and maintain dams to raise and retain the waters therein; may make and maintain reservoirs within said town; may make and establish public fountains and hydrants in such places as it may from time to time deem proper, and prescribe the purpose for which they may be used, and may change and discontinue the same; may distribute the water throughout the town; may regulate the use, and establish the price or rent therefor; may, for the purposes aforesaid, convey and conduct its conduits, pipes and drains over or under any water-course, street, turnpike road, railroad, highway or other way, in such manner as to cause the least possible hinderance to the travel thereon, and may, for such purposes, enter upon and dig up any such road, street or other way, under the direction of the selectmen of the town of Dedham.

May construct aqueducts and maintain reservoirs.

SECTION 5. Any person or corporation injured in property under this act and failing to agree with said corporation as to the amount of damages, may have the same assessed and determined in the same manner as is provided in sections three, four and five of chapter three hundred and thirty-seven of the acts of the year eighteen hundred and seventy-two; but no assessment for damages shall be made for the taking of any water rights, or for any injury thereto until the water is actually withdrawn or diverted.

Assessment of damages.

SECTION 6. The capital stock of said corporation shall not exceed two hundred thousand dollars, which shall be divided into shares of one hundred dollars each, and said corporation may, at any time, issue bonds to an amount equal to the capital stock actually paid in.

Capital stock and shares.

SECTION 7. Manufacturing and other corporations doing business in said town of Dedham are authorized to subscribe for and hold stock of the Dedham Water Company.

Corporations may hold stock.

Penalty for diverting water or rendering the same impure.

SECTION 8. If any person shall use any of said water taken under this act, without the consent of said corporation, or shall wantonly or maliciously divert the water or any part thereof so taken, or corrupt the same or render it impure, or destroy or injure any dam, aqueduct, pipe, conduit, hydrant, machinery or other works or property held, owned or used by said corporation under the authority of and for the purposes of this act, he shall forfeit and pay to said corporation three times the amount of damage assessed therefor, to be recovered in an action of tort; and, on conviction of either of the wanton or malicious acts aforesaid, may be punished by a fine not exceeding three hundred dollars, or by imprisonment in jail not exceeding one year.

Town may hold twenty-five per cent of capital stock.

SECTION 9. The town of Dedham may take and hold twenty-five per centum of the capital stock of this corporation, and have its proportionate voice in the management of the affairs of said corporation, provided it shall vote so to do by a two-thirds vote of the voters present and voting thereon at any legal meeting called for that purpose.

May purchase corporate property at cost, or at price agreed upon.

SECTION 10. The town of Dedham shall have the right at any time, during the continuance of the charter hereby granted, to purchase the corporate property and all the rights and privileges of said company at the actual cost of the same, or at such a price as may be mutually agreed upon between said corporation and the said town of Dedham; and the said corporation is authorized to make sale of the same, and this authority to purchase said franchise and property is granted on condition that the same is assented to by said town by a two-thirds vote of the voters present and voting thereon, at any annual meeting, or at a legal meeting called for that purpose.

Town may issue water scrip not exceeding \$200,000.

SECTION 11. For the purpose of defraying the cost of such property, lands, water and water rights, as shall be purchased for the purposes aforesaid, the town of Dedham, through its treasurer, may, from time to time, issue notes, scrip, or certificates of debt, to be denominated on the face thereof, "Dedham Water Scrip," to an amount not exceeding two hundred thousand dollars, bearing interest not exceeding seven per centum per annum, payable semi-annually; and the principal being payable at periods not more than thirty years from the issuing of said notes, scrip or certificates of debt, respectively. Said treasurer,

under the authority of the town, may sell such notes, scrip or certificates, or any part thereof, from time to time, or pledge the same for money borrowed for the purposes aforesaid, on such terms and conditions as he may deem proper, or as may be prescribed by the town. Said town may further make appropriations, and assess, from time to time, amounts not exceeding in one year the sum of five thousand dollars, towards payment of the principal of the money borrowed as above, and also a sum sufficient to pay the interest thereon, in the same manner as money is assessed and appropriated for other town purposes.

SECTION 12. In case the town of Dedham shall purchase the property, rights, privileges and franchises of the corporation established by this act, the said town shall exercise all the rights, powers and authority, and be subject to all the restrictions, duties and liabilities herein contained, in such manner, and by such officers, servants or agents, as the town may direct. And the town shall be liable to pay all damages for land, water or water rights, taken for the purposes set forth in this act, which shall not have been previously paid by said corporation.

Powers and duties in case property is purchased.

SECTION 13. This act shall take effect upon its passage.

Approved April 11, 1876.

AN ACT to authorize the Town of Greenfield to raise Money to reimburse the Commonwealth for Land taken for a Railroad in Greenfield.

Chap. 140

Be it enacted, etc., as follows :

SECTION 1. The town of Greenfield is authorized to raise by taxation and to appropriate money, for the purpose of reimbursing the expenses to the Commonwealth for land taken, or that may be taken, for a roadway by the location of the Troy and Greenfield Railroad within the limits of said town, excepting, however, the land belonging to the Connecticut River Railroad.

May raise money to reimburse state for land taken for railroad.

SECTION 2. Said town is hereby authorized to raise by loans or taxes, any sums of money which shall be required for the purpose expressed in section one.

May raise money by loans or taxes.

SECTION 3. This act shall take effect upon its passage.

Approved April 12, 1876.

[1876, 150 ; 1878, 277 ; 1880, 242.]

Chap. 142**AN ACT to incorporate the Massachusetts Family Bank.***Be it enacted, etc., as follows :*

Corporators.	<p>SECTION 1. Elizur Wright, William Clafin, F. W. Bird, Samuel E. Sewall, John Botume, Jr., Thomas J. Lee, their associates and successors, are hereby made a corporation by the name of the Massachusetts Family Bank, to be located in the city of Boston, for the purposes of insuring lives under policies stipulating cash surrender values, and of receiving and investing savings, subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force in relation to life insurance companies, so far as relates to its life insurance business, including the election of officers ; and to savings banks, so far as relates to its business as a savings bank, except as hereinafter specially provided.</p>
Name and purpose.	
Capital stock and shares.	<p>SECTION 2. There shall be a capital stock of five hundred thousand dollars, in shares of fifty dollars each, which shall be restricted to a semi-annual dividend, never to exceed four per cent. No life-insurance policy shall be issued, nor any deposit received, till the whole of said capital stock has been subscribed, paid in and invested, and such fact is certified by the insurance commissioner.</p>
All transactions to be upon a gold basis.	<p>SECTION 3. All transactions of the bank shall be, and in all contracts, policies, other instruments and accounts shall be expressed to be, in the gold coins of the United States, and no paper or promissory currency shall be received or paid, except at its market value in such coins at the date of such receipt or payment.</p>
Investments and loans.	<p>SECTION 4. All investments shall be regulated by the general statute in regard to savings banks, with this additional provision : that in so far as loans can be made on the security of real estate, applicants for loans whose lives are insured by the bank, if offering equally satisfactory security, shall have preference over all others.</p>
Bank may establish branch offices.	<p>SECTION 5. The bank may establish branch offices to facilitate the collection and transmission of insurance premiums, the expense of which branch offices shall in no case exceed two and one-half per cent. of the premium received and transmitted by them, but it shall pay no commissions on premiums or deposits, nor any fee for the medical examination of applicants for insurance.</p>
Policies of life insurance.	<p>SECTION 6. The bank shall issue no policy of insurance extending beyond the age of seventy-five, and none which does not have the surrender value in cash at the end</p>

of each and every policy year distinctly stipulated therein and the minimum surrender value to be stipulated in every policy by the bank, payable at the end of any policy year in its term, shall be the legal reserve or net value of the policy at the date of surrender, as ascertained by the combined experience table of mortality, and four per cent. interest, less a surrender charge of six per cent. of the present value of the future insurance to be done under the policy, if continued, and in consideration of such stipulation, and the payment, in all cases of lapse, surrender or cancellation, of such surrender value in cash, the bank shall be wholly exempt from the obligations imposed by chapter one hundred and eighty-six of the acts of the year eighteen hundred and sixty-one.

SECTION 7. Payments of premiums on insurance policies shall only be made yearly, for one year and no more, and the three elements of the premium for each year, viz.: first, the margin for expenses and excess of loss; second, the normal cost of the bank's risk for the year; and third, the self-insurance deposit, shall be kept distinct from each other on the books of the bank, being pre-calculated and determined by the "combined experience" or "actuarial" table of mortality with interest at four per cent.; and in consideration of this method of keeping its accounts, the bank shall be required to return annually to the insurance commissioner, as its liability on its policies, one-half of the insurance premiums of the year, being margins and normal cost of risks, together with the whole of the self-insurance fund and deposits of the year, discounted half a year at four per centum, and such return, subject to the inspection of the books by the insurance commissioner, shall be in lieu of the return of the data of the policies for valuation by the commissioner.

Payments of
premiums.

SECTION 8. All deposits made independently of life-insurance policies shall be entered in a special and separate set of books and credited on the pass-books of the depositors, as in ordinary savings banks, and no such deposit shall ever be used in the life-insurance part of the business, except to pay a premium falling due on a policy held by the depositor himself.

Deposits.

SECTION 9. All surrender charges paid to or retained by the bank on the cancellation of policies, none of which shall exceed six per cent. of the insurance value of the policy at the date of surrender, shall be credited to a dis-

Surrender
charge fund to
be established.

inct fund, called the surrender charge fund, which shall accumulate at the current interest, and be held in addition to the legal four per cent. reserve, and not as any part thereof, and shall be drawn upon only at the end of a fiscal year in which the actual death claims have exceeded the normal, and only to the extent of such excess.

No stockholder
to cast more
than thirty
votes.

SECTION 10. The control of the corporation shall be vested in the stockholders, each share of the stock being entitled to one vote, but no person, either in person or by proxy shall cast more than thirty votes.

Dividends.

SECTION 11. At the end of every fiscal year, after providing for all debts and liabilities, including those on the policies, as hereinbefore defined, and all independent deposits, with the interest accrued on the same, there shall be declared out of any surplus that may exist, a dividend to the capital stock not to exceed eight per cent. thereon, one-half payable down and the other half at the end of six months. But any profit to the capital stock over the profit of its own investment, shall come wholly from the insurance done by the bank, and no part of it from the interest of the self-insurance fund, or from that of the independent deposits.

Surplus earnings and interest
to be distributed
among policy-
holders.

SECTION 12. After declaring the dividend to the stock, any remaining surplus from the insurance business, together with the surplus interest from the self-insurance fund, shall be distributed among the policy-holders according as their insurance premiums and self-insurance deposits have contributed to produce it, and the shares shall be payable at the next settlement of annual premium in reduction thereof. On the independent deposits, depositors shall receive interest, to be fixed by the by-laws of the bank, as in ordinary savings banks.

Subject to
provisions of
1865, 283, and
1868, 315.

SECTION 13. Said corporation shall be subject, as an insurance company, to the provisions of chapter two hundred and eighty-three of the acts of the year eighteen hundred and sixty-five, and the acts in amendment thereof, and in addition thereto; and shall also be subject, as a savings bank, to the provisions of chapter three hundred and fifteen of the acts of the year eighteen hundred and sixty-eight.

Approved April 17, 1876.

[Accepted Sept. 28, 1876.] [1877, 157.]

[1870, 365.]

AN ACT to amend an Act to incorporate the Butchers' Slaughtering and Melting Association in Brighton. *Chap. 144*

Be it enacted, etc., as follows :

SECTION 1. Section six of chapter three hundred and sixty-five of the acts of the year eighteen hundred and seventy is hereby repealed ; and sections two and four of said act are hereby amended by striking out the words "state board of health" where they occur in said sections and substituting in place thereof, board of health of the city of Boston.

Amendment to
1870, 365, § 6.

SECTION 2. From and after the first day of June in the year eighteen hundred and seventy-six the business of slaughtering shall not be conducted within the limits of the city of Boston except upon the premises of the Butchers' Slaughtering and Melting Association in said city.

Slaughtering
to be done only
at premises of
association.

SECTION 3. The said association shall, within a reasonable time, slaughter all cattle, sheep and calves which may be brought to their premises for that purpose by persons not occupying tenements therein, whenever the accommodations under their control on said premises will permit. They shall also prepare the meat and other products of such animals for the market. They may charge, in addition to the offal from said animal, such price per head as may be mutually agreed upon ; and, in case of disagreement as to price, the same shall be fixed by the board of health of the city of Boston.

Association to
slaughter all
cattle, etc.,
brought to
them.

SECTION 4. Said board of health of the city of Boston is hereby authorized to appoint one or more inspectors, to see that the rules and regulations for the conduct of the business of the association for the time being are fully obeyed by said association and their tenants, and also to see that none but healthy animals are slaughtered ; the salary or salaries of said inspector or inspectors to be established by the city council of said city of Boston. The said inspector or inspectors shall at all times have access to the premises of said association and any building thereon and also to the premises, yards or cars of any railroad company within the city of Boston for the purposes of examination, inspection and seizure of any meat or animals unfit for human food.

Boston Board
of Health to
appoint inspec-
tors.

SECTION 5. Said board of health of the city of Boston is hereby authorized to make whatever regulations may

To prevent
slaughter of
animals unfit
for food.

seem to them fit in order to prevent the slaughter and sale of animals unfit for human food. *Approved April 17, 1876.*

[1877, 86; 1878, 99.]

[1872, 199; 1874, 154.]

Chap. 146 AN ACT to confirm the Acts and Doings of William B. Harding as Assistant Clerk of the Central District Court of Worcester.

Be it enacted, etc., as follows :

Acts and doings confirmed.

SECTION 1. All acts and duties done and performed by William B. Harding during the time that he acted as clerk of the central district court of Worcester, under the name of assistant clerk, by appointment of Theodore S. Johnson, clerk of said court, are hereby confirmed and made valid and binding upon all parties, as if said acts and duties had been done and performed by said Theodore S. Johnson, the clerk of said court.

SECTION 2. This act shall take effect upon its passage.

Approved April 17, 1876.

Chap. 149 AN ACT to authorize the City of Fall River to lay out and construct a Way, known as Pleasant Street, through a Private Burial Ground.

Be it enacted, etc., as follows :

City of Fall River may lay out a street through burial ground.

SECTION 1. The city of Fall River is hereby authorized to lay out and construct the street, or way, known as Pleasant Street, in and through the private burial ground located on the northerly side of said Pleasant Street, and being a part of the Carr Estate, so called : *provided*, that no burial lot in which are buried the remains of the dead shall be entered upon under the provisions of this act until the remains shall have been removed to some other cemetery without expense to the owner of such burial lot.

Remains of the dead to be removed to another cemetery.

Assessment of damages.

SECTION 2. Said city shall be liable to the owners of said burial ground, to pay all damages sustained in their property by the taking of any lands under the provisions of the preceding section. If the owners, or any one of them, sustaining damages as aforesaid, cannot agree with the city upon the amount of said damages, he or they may have said damages assessed in the same manner as provided in case of taking land for highways : *provided*, that any application for a jury to assess said damages, shall be made within one year after said damages are sustained.

Proviso.

Approved April 17, 1876.

[1877, 126.]

[1848, 307; 1849, 108; 1850, 312; 1852, 40, 146, 155, 297; 1854, 226; 1855, 304; 1856, 237; 1859, 70, 117; 1860, 184, 202; 1861, 65; 1866, 293; 1867, 253, 304; 1868, 51, 333, 350; 1870, 252; 1871, 355; 1872, 175, 287; 1873, 346; 1874, 402, 403.]

AN ACT to provide for the Relocation of the Troy and Greenfield Railroad in the Towns of Greenfield and Deerfield, and for other purposes. *Chap. 150*

Be it enacted, etc., as follows :

SECTION 1. The manager of the Troy and Greenfield Railroad and of the Hoosac Tunnel, with the approval of the governor and council, is hereby authorized to enter with said railroad upon the lands of the Connecticut River Railroad at or near the passenger depot in said Greenfield, and pass with said road through said depot grounds in a direction southerly and westerly from said depot at the distance of sixty-six feet from the south-west corner of said building, and through the freight depot of the Connecticut River Railroad Company or westerly thereof to a point opposite to the northern terminus of the Vermont and Massachusetts Railroad in Greenfield, according to location filed in the office of the county clerk of the county of Franklin on the twenty-eighth day of March in the year eighteen hundred and fifty-four; and the said Vermont and Massachusetts Railroad Company is hereby authorized to relocate its road so far as may be necessary to continue the line from the point before specified in the same general direction till it intersects with its present centre line at or near Russell Street, and may also relocate its road in the town of Deerfield on the westerly side of said Connecticut River Railroad, and the said Vermont and Massachusetts Railroad Company is authorized to take the land therefor in the method prescribed by law in cases of land taken for railroad and station purposes.

Troy and Greenfield Railroad may enter upon lands of Connecticut River Railroad in Greenfield.

Vermont and Massachusetts Railroad Company may relocate its road.

SECTION 2. The Vermont and Massachusetts Railroad Company is hereby authorized to change the location of its railroad in the towns of Deerfield and Greenfield, so far as may be requisite and necessary to move its grade-crossing of the Connecticut River Railroad to any point which may be agreed upon with the Connecticut River Railroad Company between the site of the present crossing and the proposed intersection of the Troy and Greenfield Railroad with the Vermont and Massachusetts Railroad.

Vermont and Massachusetts Railroad may change location.

SECTION 3. The Connecticut River Railroad Company and the Vermont and Massachusetts Railroad Company are hereby severally authorized to exchange with each other

Connecticut River and Vermont and Massachusetts

Railroads may
exchange lands.

the whole or any parts of the lands covered by their respective locations between the present grade-crossing of the Connecticut River Railroad by the Vermont and Massachusetts Railroad, in the town of Deerfield, and the terminus of the Vermont and Massachusetts Railroad in the town of Greenfield. In case any such exchange of locations takes place by agreement between the two companies, the Connecticut River Railroad Company shall have and enjoy all the rights and privileges and be subject to all the duties which originally devolved upon the Vermont and Massachusetts Railroad Company by reason of such part of its location, and the Vermont and Massachusetts Railroad Company shall have and enjoy all the rights and privileges and be subject to all the duties which originally devolved upon the Connecticut River Railroad Company by reason of such part of its location. And each of the said corporations shall file its amended location with the clerk of Franklin County within one year after such exchanges take place.

Manager of
Troy and
Greenfield Rail-
road may
change location,
etc., of road.

SECTION 4. The manager of the Troy and Greenfield Railroad and Hoosac Tunnel, with the approval of the governor and council, may change the location of or relocate said Troy and Greenfield Railroad in the town of Deerfield and locate the same in the town of Greenfield, as far as shall be deemed advisable to adapt it for the transmission of passengers and freight, and for this purpose said manager, with the approval of the governor and council, may lay out said road, and for the purpose of cuttings, embankments, and procuring stone and gravel, may purchase or otherwise take as much more land as may be necessary for the proper construction and security of the road, or may be at any time necessary for depot and station purposes, to the same extent as railroad corporations established by the laws of this Commonwealth are authorized to do, and he shall within one year file with the commissioners of the county of Franklin the location of the road as thus laid out, defining the courses, distances and boundaries of said road.

County commis-
sioners to deter-
mine, if agree-
ment cannot be
made.

SECTION 5. If said manager for the purpose of making or securing said road, or for station or depot purposes, requires land or materials, without the limits of the route fixed as aforesaid, and is unable to obtain the same by agreement with the owner, he may apply to the county commissioners for said county, who after notice to the

owner, may prescribe the limits within which the same may be taken in the manner prescribed for railroad corporations, without his permission, and said manager shall file a location thereof within one year with the commissioners of said county defining the courses, distances and boundaries of the same.

SECTION 6. Said manager under the direction of the governor and council and with their approval, shall have and exercise the power and authority conferred upon railroad corporations by the "general railroad act" approved in the year one thousand eight hundred and seventy-four, for the purposes expressed in this act and the act to which this is in addition, and shall pay all damages occasioned by laying out, making, locating and relocating said railroad, or by taking any lands or materials therefor; and such damages shall upon the application of either party, be estimated by the county commissioners in the manner provided in laying out highways, when said manager is not able to obtain by agreement with the owner, the land or materials necessary for the purposes of the road, which damages said manager, with the advice and approval of the governor and council, is authorized in behalf of the Commonwealth to settle and pay, or refer to arbitration. Either party, if dissatisfied with the estimate of the commissioners, may at any time within one year after it is completed and returned, apply for a jury to assess the damages. The proceedings thereupon shall be the same as is provided for the recovery of damages in the laying out of highways, the prevailing party to recover legal costs as provided by section sixty-eight of the general railroad act.

Manager, etc.,
to have powers
conferred by
general railroad
act.

Party dissatis-
fied may apply
for a jury to
assess damages.

SECTION 7. The changes of location and the relocations of the Troy and Greenfield Railroad under chapter four hundred and three of the acts of the year eighteen hundred and seventy-four and chapter seventy-seven of the acts of the year eighteen hundred and seventy-five are hereby ratified and confirmed, reserving to all parties all existing claims for damages.

Changes of loca-
tion ratified
and confirmed.

SECTION 8. This act shall take effect upon its passage.

Approved April 17, 1876.

[1877, 249; 1878, 191, 212, 222, 226, 267, 268, 278, 279; 1879, 141, 261, 278, 290;
1880, 242, 243, 261; 1881, 149, 218, 230, 289.]

[1870, 294; 1874, 371.]

Chap. 160

AN ACT in relation to the Industrial School at Lawrence.

*Be it enacted, etc., as follows :*Directors may
bind out boys
as apprentices.

SECTION 1. The directors of the industrial school at Lawrence may bind out boys committed to the school, as apprentices or servants, until they become twenty-one years of age, or for a less term, and the directors, and master or mistress, apprentice or servant shall respectively have the rights and privileges and be subject to the duties set forth in chapter one hundred and eleven of the General Statutes, in the same manner as if such binding or apprenticing were made by overseers of the poor. In binding out boys, they shall have scrupulous regard to the religious and moral character of those to whom they are to be bound, that they may secure to said boys the benefits of a good example and wholesome instruction, the sure means of improvement in virtue and knowledge, and the opportunity of becoming intelligent, moral, useful and happy citizens: *provided*, that this act shall only apply to boys sentenced for a longer term than two years.

Proviso.

Subject to
acceptance.

SECTION 2. This act shall take effect when accepted by the city council of the city of Lawrence.

Approved April 21, 1876.

[1838, 19; 1844, 65; 1853, 377; 1863, 117.]

Chap. 161

AN ACT in Addition to an Act to regulate the Fishery in the Agawam and Half-Way Pond Rivers.

*Be it enacted, etc., as follows :*Proceeds to be
divided equally
between
Plymouth and
Agawam.

SECTION 1. The committee annually chosen by the towns of Plymouth and Wareham to make sale of the privileges of taking the fish called alewives and shad in the Agawam and Half-Way Pond rivers in the county of Plymouth, shall pay to each of the treasurers of said towns one-half part of the whole amount of the money received by them from such sales, and all promissory notes taken for said sales shall be made payable to each of said treasurers in the proportion aforesaid.

SECTION 2. This act shall take effect upon its passage.

Approved April 21, 1876.

AN ACT to Incorporate the New England Guard of the City of Boston. *Chap.* 163

Be it enacted, etc., as follows :

SECTION 1. J. Putnam Bradlee, George Tyler Bigelow, Jeffrey Richardson, William F. Smith, John H. Reed, Joseph B. Glover, Joseph Burnett, J. Avery Richards, Robert M. Mason, Charles Storrow, Francis A. Osborn, Shubael G. Rogers, John Revere, Joseph West, Thomas T. Bouvé, John T. Coolidge, George H. Vincent, Curtis Guild, Charles A. Welch, Leverett Saltonstall, Martin P. Kennard, Amos A. Lawrence, Adolphus Davis, Charles S. Jenny, William B. Bacon, James B. Bell, William V. Hutchings, Robert H. Stevenson, George Higginson, Isaac Butts, George D. Russell, Frederick B. Wentworth, F. W. Bigelow, George B. Brown, Benjamin F. Field, Jr., and such other persons as are known as the New England Guard, who formerly served in the said company and in the fourth battalion of infantry in the first division of the Massachusetts volunteer militia, or may hereafter become associated with them, are hereby constituted a body corporate by the name of the New England Guard of the city of Boston, having the privileges and subject to the duties and liabilities set forth in all general laws which now are or hereafter may be in force relating to corporations.

Corporators.

New England
Guard of the
city of Boston.

Powers and
duties.

SECTION 2. The objects of the corporation shall be to afford pecuniary relief to aged, reduced and indigent members, and to their widows and children, and to promote social union and patriotic fellowship among the members, and to preserve and keep alive the recollections of past services in the New England Guard.

For social and
charitable pur-
poses.

SECTION 3. The said corporation shall have power to adopt a constitution and by-laws, rules and regulations for the admission of members and their government, the election of officers and prescribing their duties, the suspending and expelling of members, and for the safe keeping of its property and funds, and from time to time to alter or repeal such constitution, by-laws, rules and regulations.

May adopt a
constitution
and by-laws.

SECTION 4. The said corporation shall have power to hold property, real and personal, to an amount not exceeding twenty thousand dollars.

Real and per-
sonal estate.

SECTION 5. The members of said corporation may parade in public with side arms.

Parade in
public.

SECTION 6. This act shall take effect upon its passage.

Approved April 26, 1876.

[1869, 260; 1870, 214, 362; 1871, 184; 1872, 51, 273; 1874, 3.]

Chap. 164 AN ACT to extend the Time for Applications for Damages for Land taken for the Location of the Massachusetts Central Railroad.

Be it enacted, etc., as follows :

Time for making claim for damages extended.

The time within which claimants for damages for land taken by the Massachusetts Central Railroad Company for the location of its railroad, may make application to the county commissioners under the provisions of section seventy-eight of chapter three hundred and seventy-two of the acts of the year eighteen hundred and seventy-four, is hereby extended to the twentieth day of April in the year eighteen hundred and seventy-seven.

Approved April 26, 1876.

[1877, 51; 1878, 37; 1879, 10, 253; 1880, 169; 1881, 94, 168, 190.]

[1872, 114; 1873, 117.]

Chap. 168 AN ACT to Alter the Limits of Fire District Number One in the Town of South Hadley.

Be it enacted, etc., as follows :

Fire District No. 1, in South Hadley.

Boundaries changed.

SECTION 1. Edwin H. Judd, Levi H. Judd, J. Dwight Judd, Watson S. Judd, Otis A. Judd, Henry Strong, Elizabeth B. C. Lathrop and Bessie C. Lathrop, all of South Hadley, in the county of Hampshire, with their estates and all lands between the northerly boundary line of fire district number one, in the town of South Hadley, and a line beginning on the easterly side of the Connecticut River, at the mouth of White's Brook, and thence running north-easterly along said brook to the highway leading to the "head of the canal" (so called); thence easterly along said highway to the Old Falls Woods road; thence northerly along said road to a point opposite the north-westerly corner of land of George E. and Mary C. Lamb; thence easterly along the northerly line of land of said Lambs to land of Adoniram J. Clark; thence southerly along the westerly line of land of said Clark to land of said Lambs; thence easterly along the northerly line of land of said Lambs to the highway leading from South Hadley Falls to South Hadley; and after crossing said highway, along the northerly line of land of Hellen Lathrop to land of Elizabeth B. C. Lathrop; thence southerly along the westerly line of said Lathrop land to land of Peregrine Waters; thence easterly along the northerly line of said Waters and of James A. Benton to the new road from

South Hadley Falls to South Hadley ; also, all lands and estates lying and being easterly of the highway leading from South Hadley Centre to Willimansett depot in Chicopee, are hereby excluded and set off from said fire district.

SECTION 2. The land and estates hereby excluded and set off from said fire district, shall be liable to pay, and shall pay, their just proportion of all taxes which shall have been assessed on said fire district prior to the passage of this act, in the same manner as though the same had not been passed.

Payment of
assessed taxes.

SECTION 3. This act shall take effect upon its passage.

Approved April 26, 1876.

[1871, 280; 1872, 260, 371; 1873, 4, 298, 338; 1876, 69.]

AN ACT in addition to Chapter Three Hundred and Seventy-One of the Acts of the Year Eighteen Hundred and Seventy-Two, relating to the Regulation and Inspection of Buildings in Boston.

Chap. 176

Be it enacted, etc., as follows :

SECTION 1. Party-walls of dwelling-houses not exceeding two stories nor twenty-five feet in height, and not exceeding twenty feet in width and forty feet in depth, in the city of Boston, outside the building limits of said city, may be built of brick, eight inches thick, and be carried twelve inches above the roof; and shall be corbelled at least six inches, or to the outer edge of all projections on the front and rear walls of the building, and be coped with stone or metal securely fastened ; and where the roof is of the kind known as Mansard or French, the party-walls shall extend through the slope of the Mansard at least six inches distant from and parallel with the roof covering, and be corbelled at least six inches, or to the outer edge of all projections, and shall be coped with stone or metal, securely fastend. Any dwelling-house wall, not exceeding twelve feet in height from the foundation, and not within the building limits of said city, may be built of brick, eight inches thick.

Party-walls of
dwelling-houses
in Boston.

SECTION 2. Foundation walls of buildings, other than dwelling-houses, and not exceeding thirty-five feet in height, in the city of Boston, may be built of irregular rubble-stone, one-fourth thicker than block-stone walls: *provided*, that when such foundation walls are laid on piles, the lower course shall be of block-stone.

Foundation
walls.

SECTION 3. All acts or parts of acts inconsistent herewith, are hereby repealed.

Repeal.

Approved April 26, 1876.

[1877, 84; 1878, 192; 1881, 117.]

Chap. 177 AN ACT Ratifying the Election of Town Officers in the Town of Chesterfield in the Year Eighteen Hundred and Seventy-Six.*Be it enacted, etc., as follows :*

Election confirmed and ratified.

SECTION 1. The election of town officers in the town of Chesterfield made at the annual town meeting in the year eighteen hundred and seventy-six so far as the same may be illegal for the reason that the check-list was not used in the election of said officers or of the moderator of such meeting, is hereby ratified and confirmed and the same shall be taken and deemed good and valid in law to all intents and purposes whatsoever.

SECTION 2. This act shall take effect upon its passage.

*Approved April 26, 1876.***Chap. 183** AN ACT to confirm the Deed of Assignment of George White, Acting Judge of the Court of Insolvency, to Walter N. Mason and Edward A. Hunting, Assignees of the Estate of Charles J. Power, Insolvent Debtor.*Be it enacted, etc., as follows :*

Deed of assignment to assignees confirmed.

SECTION 1. The deed of assignment of George White, acting judge of the court of insolvency in and for the county of Middlesex, to Walter N. Mason and Edward A. Hunting, assignees of the estate of Charles J. Power, insolvent debtor, bearing date the ninth day of August, in the year eighteen hundred and sixty-five, recorded in the Middlesex southern district registry of deeds, book nine hundred and fifty-three, page sixty-three, is hereby confirmed and made valid, and shall have the same force and effect as if executed by William A. Richardson, judge of insolvency for Middlesex county.

SECTION 2. This act shall take effect upon its passage.

Approved April 26, 1876.

[1874, 271; 1875, 106.]

Chap. 184 AN ACT relating to the Civil Jurisdiction of the Municipal Courts of the City of Boston.*Be it enacted, etc., as follows :*

Civil jurisdiction of municipal courts in Boston.

Chapter one hundred and six of the acts of the year eighteen hundred and seventy-five shall not be construed to give the municipal courts of the city of Boston jurisdiction of transitory actions, (except suits begun by trustee process), unless some one of the defendants lives or has his usual place of business in the county of Suffolk.

Approved April 26, 1876.

[1876, 240; 1877, 187; 1879, 154, 257; 1881, 10, 62, 261.]

[1873, 244.]

AN ACT to amend an Act Incorporating the Old Colony Wharf Company.

Chap. 191

Be it enacted, etc., as follows:

SECTION 1. Section three of chapter two hundred and forty-four of the acts of the year eighteen hundred and seventy-three is hereby amended by adding the following words: or until the real estate now or formerly owned by the Boston Land and Wharf Improvement Company shall be deeded to said corporation.

Amendment to
1873, 244, § 3.

SECTION 2. This act shall take effect upon its passage.

Approved April 27, 1876.

AN ACT concerning the Election of Town Officers in Williamstown.

Chap. 192

Be it enacted, etc., as follows:

SECTION 1. The election of moderator and town officers in the annual town meeting in Williamstown held on the twentieth day of March last past, so far as said election may appear illegal for the reason that the check-list was not used in said election, is ratified and confirmed, and the same shall be taken and deemed good and valid in law to all intents and purposes whatsoever.

Election of
town officers
confirmed.

SECTION 2. This act shall take effect upon its passage.

Approved April 27, 1876.

[1873, 155, 339; 1874, 255, 370.]

AN ACT to extend the Time for Completing the New State Prison.

Chap. 194

Be it enacted, etc., as follows:

The time fixed in chapter one hundred and fifty-five of the acts of the year eighteen hundred and seventy-three for completing the new state prison, is hereby extended two years: *provided*, that the commissioners for the erection of said prison may make such changes in the plans therefor as may improve said prison without increasing the expense of constructing the same; such changes to be approved by the governor and council.

Time extended
for completion.

Commissioners
may make
changes in
plans.

Approved April 27, 1876.

[1878, 10, 62, 269; 1879, 165, 175.]

AN ACT to establish the Police Court of the City of Newton.

Chap. 195

Be it enacted, etc., as follows:

SECTION 1. A police court is hereby established in Newton, under the name of the police court of Newton;

Police court
established in
Newton.

**Powers and
duties.**

and said city shall constitute a judicial district under the jurisdiction of said court. Said court shall have the same jurisdiction, power and authority, shall perform the same duties, and be subject to the same regulations as are provided in respect to existing police courts, except the municipal court of Boston and the municipal court of Worcester, by chapter one hundred and sixteen of the General Statutes and by all general laws passed in amendment thereof, applicable to the several police courts of the Commonwealth; and all provisions of law relating to civil and criminal proceedings, the taxation of costs, the payment of fines, the expenses of court, the accounting and settling with the county and town treasurers for the money paid into court as forfeitures and otherwise, and the required returns applicable to the several police courts, except those before mentioned, shall apply to the police court of Newton.

**One standing
justice and two
special justices.**

SECTION 2. Said court shall consist of one standing justice and two special justices, to be appointed, commissioned and qualified, pursuant to the constitution and laws.

**Clerk to be
appointed by
governor.**

SECTION 3. There shall be a clerk of said court, who shall, in the first instance, be appointed and commissioned by the governor, and shall hold his office until a successor is chosen and qualified, as is provided by law in the case of clerks of police courts; and all vacancies in said office, caused by removal or otherwise, shall be filled as is provided by law in like cases.

**Salaries of jus-
tice and clerk.**

SECTION 4. The standing justice of said court shall receive an annual salary of twelve hundred dollars, to be paid from the treasury of the Commonwealth. The compensation of the special justices, for duties performed by them, shall be such as is provided by law in similar cases. The clerk of said court shall receive an annual salary of nine hundred dollars, to be paid from the treasury of the Commonwealth.

Terms of court.

SECTION 5. The court shall be held at the city hall in Newton, every day except on Sundays and legal holidays, for criminal business, and for civil business once each week and oftener if said standing justice shall see fit.

**Proceedings
commenced
before trial
justices, etc.,
to be prose-
cuted, etc.**

SECTION 6. All proceedings duly commenced before any trial justice or justice of the peace for the county of Middlesex, within said district, before this act shall take full effect, shall be prosecuted and determined as if this act had not been passed.

SECTION 7. Either of the justices of said court may issue warrants in all proper cases. No justice of the peace shall hereafter be allowed any fees for warrants issued within said district or elsewhere, for offences committed in said district; and all warrants so issued shall be made returnable before said court.

Justices of the peace not to receive fees for issuing warrant.

SECTION 8. So far as the appointing, commissioning and qualifying the standing justice and special justices and the clerk of said court are concerned, this act shall take effect upon its passage; and it shall take full effect in sixty days from its passage.

When to take effect.

Approved April 27, 1876.

[Special Laws, vol. i., pp. 213, 354, 422; vol. ii., pp. 192, 381, 469; vol. iii., Appendix, p. 20: 1815, 111, 119; 1818, 106; 1819, 133, 137; 1822, 28; 1829, 55; 1832, 44, 120; 1833, 137; 1843, 73; 1844, 62; 1855, 401; 1863, 73; 1866, 54; 1871, 258; 1875, 71.]

AN ACT to regulate the Fisheries in Taunton Great River and Nemasket River.

Chap. 208

Be it enacted, etc., as follows :

SECTION 1. No shad or alewives shall be taken in any part of Taunton Great River or Nemasket River between the hours of twelve o'clock in the night following Thursday of each week and four o'clock on Monday morning succeeding, from the first day of March to the tenth day of June of each year, including both of said days.

Fisheries regulated.

Section five of chapter four hundred and one of the acts of the year eighteen hundred and fifty-five, and chapter two hundred and fifty-eight of the acts of the year eighteen hundred and seventy-one, are hereby repealed.

Repeal of 1855, 401, § 5; 1871, 258.

SECTION 2. Not more than one seine shall be cast, set, swept or used on said rivers, within the same limits or over the same ground and at the same fishing place or location, nor shall any seine be cast, set, swept or used within forty rods of any other seine. Any person violating this section shall pay a fine of not less than fifty nor more than two hundred dollars, and whoever violates the provisions of the first section, shall be liable to the penalties and forfeitures provided in said chapter four hundred and one of the acts of the year eighteen hundred and fifty-five.

Not more than one seine to be used over the same ground.

Penalty.

SECTION 3. This act shall take effect on the first day of July next.

Approved April 28, 1876.

[1879, 83.]

Chap. 211

AN ACT to revise the Charter of the City of Fall River.

[The validity of this act depended upon its acceptance by the inhabitants of the city of Fall River. It was rejected June 20, 1876, and consequently became void.]

Chap. 217

AN ACT to legalize certain Doings of the Town of Groton.

Be it enacted, etc., as follows :

Doings legal-
ized.

SECTION 1. The action of the town of Groton at its meeting held on the third day of April, eighteen hundred and seventy-six, in appropriating five hundred dollars to defray the expenses to be incurred in celebrating the centennial anniversary of our national independence on the fourth day of July next, is confirmed, legalized and made valid.

SECTION 2. This act shall take effect upon its passage.

Approved April 28, 1876.

Chap. 219

AN ACT relating to State Aid paid on account of Children born after the Death of the Father.

[Repealed 1877, 199.]

[1870, 160; 1872, 116.]

Chap. 223

AN ACT to authorize the Town of Malden to issue Additional Water Fund Bonds.

Be it enacted, etc., as follows :

May issue addi-
tional water-
fund bonds.

SECTION 1. The town of Malden may for the purposes mentioned in the third section of chapter one hundred and sixty of the acts of the year eighteen hundred and seventy, issue bonds to an amount not exceeding fifty thousand dollars, in addition to the amount authorized by said chapter and by chapter one hundred and sixteen of the acts of the year eighteen hundred and seventy-two, upon like terms and conditions, and with like powers in all respects, as are provided in said chapter one hundred and sixty, for the issue of bonds of said town.

SECTION 2. This act shall take effect upon its passage.

Approved April 28, 1876.

[1878, 57.]

[1873, 239; 1874, 203; 1875, 25.]

Chap. 224

AN ACT for the Supply of Water to the State Hospital for the Insane, in Danvers.

Be it enacted, etc., as follows :

Water-supply
for hospital

SECTION 1. The board of commissioners appointed under the authority of chapter two hundred and thirty-nine

of the acts of the year eighteen hundred and seventy-three, entitled "An Act to establish a hospital for the insane, in the north-eastern part of the Commonwealth," are hereby authorized and empowered, with the approval of the governor and council, to enter into contract with the water commissioners of the town of Danvers for procuring a permanent supply of pure water for the state hospital for the insane, located in Danvers; such water to be furnished from the sources of supply which the said town is authorized to take and hold by the provisions of chapter one hundred and ninety-one of the acts of the year eighteen hundred and seventy-four, entitled "An Act to supply the town of Danvers with pure water."

for insane in
Danvers.

SECTION 2. The authority granted to said board of commissioners in chapter twenty-five of the acts of the year eighteen hundred and seventy-five, entitled "An Act to authorize the commissioners on the state hospital for the insane, in the town of Danvers, to procure a supply of pure water from Ipswich River," is hereby extended so that said board of commissioners may, at their discretion, take water from Middleton Pond, in the town of Middleton, for the purposes named in said act; and such taking shall be construed to confer upon said board of commissioners all the rights, powers and privileges, and shall be subject to all the conditions, liabilities and requirements of said act, as fully as if the same were herein specifically set forth: *provided, however*, that no action shall be taken by said board of commissioners under the authority granted in this section within thirty days after the passage of this act.

Extension of
authority pre-
viously granted.

Proviso.

SECTION 3. All expenses incurred by the said board of commissioners, under the provisions of this act, shall be defrayed from the appropriations made or to be made for the establishment of said hospital in the town of Danvers.

Payment of
expenses.

SECTION 4. This act shall take effect upon its passage.

Approved April 28, 1876.

[1876, 239; 1877, 132, 242, 244, 252.]

[1870, 238.]

AN ACT to authorize Further Expenditures for the Completion of the New Hospital for the Insane, at Worcester, and Providing for the same.

Chap. 226

Be it enacted, etc., as follows:

SECTION 1. The trustees of the Worcester Lunatic Hospital are authorized to expend for the purpose named

Appropriation
for completion
of hospital.

in section one of chapter two hundred and thirty-eight of the acts of the year eighteen hundred and seventy, the further sum of three hundred and fifty thousand dollars, and the same is hereby appropriated, to be provided for in the same manner and under the conditions prescribed in section three of chapter one hundred and sixty of the acts of the year eighteen hundred and seventy-five.

SECTION 2. This act shall take effect upon its passage.

Approved April 28, 1876.

[1872, 342; 1873, 235.]

AN ACT authorizing certain Railroad Corporations to hold Stock in the Union Freight Railway Company.

Chap. 229 *Be it enacted, etc., as follows :*

Railroad having terminus in Boston may purchase and hold stock in Union Freight Railway Company. Proviso.

SECTION 1. Any railroad corporation now or hereafter having a terminus in Boston, may purchase and hold stock in the Union Freight Railway Company: *provided*, that John D. Bates, at present a stockholder in the Union Freight Railway Company, or in case of his decease, his personal representatives, may at any time within one year from the passage of this act, tender to any corporation owning shares in said company a valid transfer and conveyance of all his shares of stock, and that such corporation, upon such tender, shall pay to said Bates, or in case of his decease, to his personal representatives, a sum of money equal to the par value of the shares of stock tendered as aforesaid; and *provided, further*, that said Union Freight Railway Company shall charge to and receive of corporations holding shares of its capital stock, no other rates and charges for carriage of freight than are charged to and received of other corporations and individuals.

Any railroad meeting Union Freight Railway may enter upon and use the same.

SECTION 2. Any railroad corporation whose road meets the road of the Union Freight Railway Company, may in the manner prescribed by the board of aldermen of Boston, enter upon, unite its road with and use the road of the Union Freight Railway Company for the transportation of freight; in which case both corporations shall be subject to the provisions of sections one hundred sixty-five, one hundred sixty-six and one hundred sixty-seven of chapter three hundred seventy-two of the acts of the year eighteen hundred and seventy-four, and all the other provisions of said chapter applicable to freight railways and regulating rates of freight and freight accommodations for the public, shall be applicable to the Union Freight Railway Company.

The cars on said road may be drawn by steam power, subject to the approval of the board of aldermen.

SECTION 3. Nothing in this act contained shall be construed as affecting the legal rights of the Commercial Freight and Marginal Freight railway companies.

Rights of Commercial Freight and Marginal Freight railways not affected.

SECTION 4. The second section of chapter three hundred and forty-two of the acts of the year eighteen hundred and seventy-two is hereby repealed; and the third section of said chapter is amended by striking out the word "five" and inserting instead thereof the words "three and a half."

Repeal.

SECTION 5. This act shall take effect upon its passage.

Approved April 28, 1876.

AN ACT to Incorporate the Springfield Safe Deposit and Trust Company.

Chap. 230

Be it enacted, etc., as follows:

SECTION 1. James D. Brewer, Homer Foot and Daniel B. Wesson, their associates and successors, are hereby made a corporation by the name of the Springfield Safe Deposit and Trust Company to be located at Springfield, for the purpose of receiving on deposit, storage or otherwise, government securities, stocks, bonds, coins, jewelry, plate, valuable papers and documents, evidences of debt, and other property of every kind, and of collecting and disbursing the interest or income upon such of said property received on deposit, as produces interest or income, and of collecting and disbursing the principal of such of said property as produces interest or income when it becomes due, upon terms to be prescribed by the corporation, with all the powers, and subject to the duties, restrictions and liabilities set forth in the sixty-eighth chapter of the General Statutes, and in all the general laws, which now are or hereafter may be in force, relating to such corporations.

Corporators.

Name and purpose.

SECTION 2. Said corporation may act as agent for the purpose of issuing, registering or countersigning the certificates of stock, bonds or other evidences of indebtedness of any corporation, association, municipality, state or public authority, on such terms as may be agreed upon.

May act as agent for issuing bonds for any corporation.

SECTION 3. Any court of law or of equity, including courts of probate and insolvency, of this state, may by decree or otherwise, direct any moneys or properties under its control, or that may be paid into court by parties to any legal proceedings, or which may be brought into court by reason of any order or judgment in equity or otherwise, to

Any court may direct that moneys under its control may be deposited with this corporation.

Proviso.

be deposited with said corporation, upon such terms and subject to such instructions as may be deemed expedient: *provided, however*, that said corporation shall not be required to assume or execute any trust without its own consent. Said corporation shall also have power to receive and hold moneys or property in trust or on deposit from executors, administrators, assignees, guardians, trustees, corporations or individuals, upon such terms and conditions as may be obtained or agreed upon; and such deposits or transfers of property in trust, when so made by such courts or persons, shall be taken to be a lawful investment and disposition thereof.

Investments in authorized loans of the United States, New England states, etc.

SECTION 4. All moneys or properties received under the third section of this act, unless by the terms of the trust some other mode of investment is prescribed, together with the capital of the corporation, shall be loaned on or invested only in the authorized loans of the United States or of any of the New England states, or of cities of such states, or counties or towns of this state, or stocks of state or national banks organized within this Commonwealth, or the first mortgage bonds of any railroad company incorporated by any of the New England states which has earned and paid regular dividends on its stock for two years next preceding such loan or investment, or the bonds of any such railroad company which is unincumbered by mortgage, or first mortgages on real estate within this Commonwealth, or upon notes of manufacturing corporations created under the laws of this Commonwealth, with two sureties, or of individuals with a sufficient pledge of any of the aforesaid securities, or in any securities in which savings banks of this state are allowed to invest, or may be loaned to the Commonwealth, or to any county, city or town therein; but all real estate acquired by foreclosure of mortgage, or by levy of execution, shall be sold at public auction within two years thereafter.

Trust property to constitute a special deposit.

SECTION 5. All money or property held in trust under the third section shall constitute a special deposit, and the accounts thereof shall be kept separate, and such funds and the investments or loans of them, shall be specially appropriated to the security and payment of such deposits; and for the purpose of securing the observance of this proviso, said corporation shall have a trust department, in which all business pertaining to such trust property shall be kept separate and distinct from general business.

SECTION 6. Said corporation shall at all times have on hand, in lawful money of the United States, as a reserve, an amount equal to fifteen per centum of all deposits payable on demand, or within ten days; and when said reserve shall be below such per centum of such deposits, said company shall not make new loans nor make any dividend of its profits until the required proportion between the aggregate amount of its deposits and its reserve shall be restored: *provided*, that clearing-house certificates, representing specie or lawful money specially deposited for the purpose, of any clearing-house association of which said corporation may be a member, may be reckoned as a part of said reserve: *provided, further*, that one-third of said fifteen per centum may consist of balances due and payable on demand from any national bank in the Commonwealth which has been approved by the commissioner of savings banks, and one other third of said fifteen per centum may consist of bonds of the United States or of this Commonwealth, the absolute property of said corporation.

To have on hand at all times, as a reserve, fifteen per cent of amount of deposits subject to withdrawal on demand.

Proviso.

SECTION 7. Said corporation shall make a semi-annual return to the commissioners of savings banks in this Commonwealth on the second Mondays of May and November, and not less than three additional returns during each year, according to a form to be prescribed by said commissioners, verified by the oath or affirmation of the president or treasurer of such corporation and attested by at least three of the trustees; each such report shall exhibit in detail and under appropriate heads, the resources and liabilities of the corporation at the close of business on any past day by him specified, and shall be transmitted to the commissioners within five days after the receipt of a request or requisition therefor from him, and the same form in which it is made to the commissioners shall be published in a newspaper published in the place where such corporation is established, or if there is no newspaper in the place, then in one published nearest thereto in the same county, at the expense of the corporation; and such proof of publication shall be furnished as may be required by the commissioners; said semi-annual return shall also specify the following, namely: capital stock; amount of all moneys and property, in detail, in the possession or charge of said company as deposits, trust funds or for purposes of investment; number of depositors; investments in authorized loans of the United States, or of any

To make semi-annual returns and not less than three additional returns to commissioners of savings banks.

Returns to be published in newspapers.

of the New England states, or cities or counties or towns, stating amount in each; invested in bank stock, stating amount in each; invested in railroad stock, stating amount in each; invested in railroad bonds, stating amount in each; loans on notes of corporations; loans on notes of individuals; loans on mortgage of real estate; cash on hand, all as existing at date of making such return, with the rate, amount and date of dividends since last return; and the commissioners of savings banks shall have access to the vaults, books and papers of the company, and it shall be his duty to inspect, examine and inquire into its affairs, and to take proceedings in regard to them in the same manner and to the same extent as if such corporation were a savings bank, subject to all the laws which now are or hereafter may be in force relating to such institutions in this regard.

Subject to provisions of 1866, 283.

SECTION 8. Said corporation shall be subject to the provisions of chapter two hundred and eighty-three of the acts of the year eighteen hundred and sixty-five and any acts now existing or which may hereafter be passed in amendment or lieu thereof.

To make annual return to tax commissioner of personal property held in trust.

SECTION 9. Said corporation shall annually, between the first and tenth days of May, return to the tax commissioner a true statement, attested by the oath of the president, treasurer or actuary of the corporation, of all personal property held upon any trust on the first day of May, which would be taxable if held by an individual trustee residing in this Commonwealth, and the name of every city and town in this Commonwealth where any beneficiary resided on said day, and the aggregate amount of such property then held for all beneficiaries resident in each of such cities and towns, and also the aggregate amount held for beneficiaries not resident in this Commonwealth, under the pains and penalties provided in section fourteen of said chapter two hundred and eighty-three of the acts of the year eighteen hundred and sixty-five and acts in amendment thereof, for corporations failing to make the returns provided in said act.

To pay tax into state treasury.

Said corporation shall annually pay to the treasurer of the Commonwealth a sum to be ascertained by assessment of the tax commissioner, upon an amount equal to the total value of such property, at the rate ascertained and determined by him, under section five of said chapter two hundred and eighty-three of the acts of the year eighteen hundred and sixty-five, and acts in amendment thereof.

SECTION 10. Said corporation shall also annually, between the first and tenth days of May, return to the commissioners a true statement, verified by the oath of the president and treasurer or actuary of the corporation, of the amount of all sums deposited with it on interest or for investment, other than those specified in the ninth and twelfth sections of this act, together with the name of every city and town of this Commonwealth where any beneficiary owner resided on said first day of May, and the aggregate amount of such deposits then held for the benefit of persons residing in each of such cities and towns, under a like penalty. Said corporation shall annually pay to the treasurer of the Commonwealth a sum to be ascertained by assessment of the tax commissioner upon an amount equal to the total value of such deposits at three-fourths of the rate ascertained and determined by him under said section five of chapter two hundred and eighty-three of the acts of the year eighteen hundred and sixty-five, and acts in amendment thereof.

To make annual return of amount deposited on interest or for investment.

SECTION 11. No taxes shall be assessed in any city or town for state, county or town purposes, upon or in respect of any such property held in trust or any such amounts deposited on interest or for investment as are specified in the two preceding sections; but such proportion of the sums so paid by said corporation as corresponds to the amount of such property held for beneficiaries or payable to persons resident in this Commonwealth, shall be credited and paid to the several cities and towns where it appears from returns or other evidence that such beneficiaries resided on the first day of May next preceding, according to the aggregate amount so held for beneficiaries and persons residing in such cities and towns respectively; and in regard to such sums as are to be assessed and paid as aforesaid, said corporation shall be subject to sections eleven, twelve, thirteen, the last paragraph of section fifteen, and section seventeen of said chapter two hundred and eighty-three of the acts of the year eighteen hundred and sixty-five, and acts in lieu or amendment thereof, so far as the same are applicable thereto.

Taxes not to be assessed in any town on property held in trust or deposited on interest or for investment.

SECTION 12. Deposits with said corporation which can be withdrawn on demand or within ten days, shall for purpose of taxation be deemed money in possession of the person to whom the same is payable.

Deposits withdrawable on demand to be deemed in possession of payee.

SECTION 13. The shareholders of said corporation shall

Shareholders to

be held individually liable for debts of corporation.

be held individually liable, equally and ratably, and not one for another, for all contracts, debts and engagements of such corporation to the extent of the amount of their stock therein at the par value thereof, in addition to the amount invested in such shares. The provisions contained in sections forty to forty-nine inclusive of chapter two hundred and twenty-four of the acts of the year eighteen hundred and seventy, shall apply to and regulate the enforcement of this liability: *provided, however*, that in case proceedings shall be taken for winding up the business of said corporation by the appointment of receivers or trustees under the direction of the supreme judicial court, as is provided by law in the case of savings banks, and it shall appear that there is not a sufficiency of assets to discharge the liabilities of the corporation without resort to the liability herein imposed upon the shareholders, a bill in equity, as provided in the forty-second section of said chapter, shall be filed by such receivers or trustees. No creditors shall, after the appointment of such receivers or trustees, be allowed to file any such bill, and such receivers or trustees may be substituted as plaintiffs in any such bill which is pending at the time of their appointment, at any time before final decree.

Real estate.

SECTION 14. Said corporation shall be entitled to purchase and hold, for its own use, real estate not exceeding in value one hundred thousand dollars.

Capital stock.

SECTION 15. The capital stock of said corporation shall be two hundred thousand dollars, with the privilege to increase the same to five hundred thousand dollars; and the same shall be paid for at such time and in such manner as the board of directors shall decide: *provided*, that no business shall be transacted by the corporation until the whole amount is subscribed for and actually paid in; and no shares shall be issued until the par value of such shares shall have been actually paid in in cash.

Transfer of stock.

SECTION 16. The shares of the Springfield Safe Deposit and Trust Company shall be assignable and transferable according to such rules and regulations as the stockholders shall for this purpose ordain and establish, and not otherwise.

Approved April 28, 1876.

[1876, 66.]

AN ACT in addition to an Act to supply the City of Worcester with Pure Water. *Chap. 232*

Be it enacted, etc., as follows:

SECTION 1. The city of Worcester is hereby authorized to hold, by purchase, the waters of Kettle Brook, so called, or any reservoir thereon, in the town of Leicester or Paxton, and to purchase the right to conduct the same into the Lynde Brook Reservoir in said Leicester, and to purchase any land necessary for the construction of dams or reservoirs or for the laying of pipes for this purpose.

May purchase waters of Kettle Brook in Leicester.

SECTION 2. The said city is also authorized to purchase any water rights, water privileges, mills or manufacturing establishments, the lands, buildings and machinery used, owned and connected therewith, which would be injured by the diversion of the waters of said brook as aforesaid, and which are situated above the village of Trowbridgeville in said Worcester; also, to purchase any water rights which would be affected by the diversion of the waters of said brook as aforesaid.

May purchase water rights, mills, etc.

SECTION 3. The said city of Worcester is also authorized to hold, by purchase, the waters of Mill Brook, North Pond and Weasel Brook, situated in the north part of said city; also, to purchase any land necessary for the building or maintaining of dams, reservoirs or pipes for the purpose of conducting the water of said streams and pond into said city for the use of the inhabitants thereof.

May purchase waters of North Pond and Mill and Weasel brooks.

SECTION 4. The said city is also authorized to purchase any water rights, mills or manufacturing establishments with the buildings, lands and machinery used, owned and connected therewith, which may be injured by the conducting of the waters of said streams and pond into the city as provided in section three of this act: *provided*, the same are situated above the estate of the Washburn and Moen Manufacturing Company; also, to purchase any water rights which may be affected by the diversion of the waters of said streams and pond as aforesaid.

May purchase water rights, which may be injured by diverting water.

SECTION 5. This act shall take effect upon its passage.

Approved April 28, 1876.

[1881, 268.]

[1836, 232; 1837, 152, 190; 1838, 193; 1839, 74, 122; 1841, 90; 1844, 123; 1845, 246; 1846, 245; 1847, 70, 182, 203; 1848, 186, 292; 1849, 201; 1851, 128, 242, 264; 1852, 164, 167, 305, 306; 1853, 387, 415; 1854, 46, 54, 310, 395; 1855, 149, 227, 375; 1856, 305; 1857, 220; 1858, 18; 1861, 176; 1863, 90; 1864, 40; 1866, 58; 1871, 184, 248, 337; 1872, 36, 194, 356; 1873, 360; 1874, 45, 80; 1875, 214.]

Chap. 236 AN ACT for the Relief of the Eastern Railroad Company, and the Securing of its Debts and Liabilities.

Be it enacted etc., as follows :

Eastern Railroad may mortgage its present and in future to be acquired property.

SECTION 1. The Eastern Railroad Company is hereby authorized, for the purpose of securing its existing debts and liabilities, to execute a mortgage of all its present and in future to be acquired property, including its franchises, railroad, branches, lands, buildings, structures, rolling stock, machinery, leases, rights, privileges, tolls, and all other its property and estate, wheresoever situated, and whether now owned by it or which may be hereafter acquired, to three trustees, to be appointed in the manner hereinafter provided, with the provisions for the succession in said trust hereinafter provided, and to issue certificates of indebtedness as hereinafter set forth, to be secured by said mortgage, and to be distributed and applied to the securing of its debts in the manner hereinafter provided. And said trustees shall be trustees for holding and distributing the certificates of indebtedness to be issued, and for the sinking fund hereinafter created, and for the other purposes set forth, as well as trustees under said mortgage; and said trust and all the provisions hereinafter made for the issuing of certificates of indebtedness, the appointment of trustees and the election of directors by the holders of said certificates of indebtedness shall take effect distinctly from, and irrespective of, the trusts and title created under said mortgage. The said three trustees shall be appointed, and any of said trustees, or of their successors in office, may be at any time removed by a single justice of the supreme judicial court, sitting in equity in any county, at any time after the passage of this act, upon application of any party interested as stockholder, creditor, officer of said Eastern Railroad Company, or otherwise, and after such notice as the court, or any justice thereof, may order.

Three trustees to be appointed.

Mortgage to be recorded in Suffolk, Essex and Middlesex counties, and notice thereof to be

SECTION 2. Said mortgage shall be recorded in the several registries of deeds, for the counties of Suffolk, Middlesex and Essex; and when so recorded, notice thereof shall be published at least twice a week for three

successive weeks, in two or more daily newspapers published in the city of Boston, and in one or more daily newspapers in the city of New York, and in London, England; and such advertisements shall give notice to all creditors of said corporation to present their claims to said corporation or to the trustees named in said mortgage.

published in
newspapers.

SECTION 3. Said corporation shall make and issue, to such an amount as shall be required for the purposes of this act, its certificates of indebtedness payable in thirty years ending the first day of September, nineteen hundred and six, expressed to be payable in the sterling money of Great Britain or in gold dollars of the United States, with coupons for the payment of semi-annual interest thereon. Such portion of said certificates of indebtedness as shall be payable in the money of Great Britain, shall be of one hundred pounds or two hundred pounds sterling each, and shall be payable as to their principal and interest in said London; and such portion of said certificates of indebtedness as shall be made payable in gold dollars, shall be of five hundred dollars or of one thousand dollars each; the interest on said certificates of indebtedness for the first three years after the first day of September, eighteen hundred and seventy-six, shall be at the rate of three and one-half per centum per annum in gold, and for the next three years, at the rate of four and one-half per centum per annum in gold, and after six years from said first day of September, at the rate of six per centum per annum in gold.

May issue cer-
tificates of in-
debtedness
payable in
thirty years.

SECTION 4. The certificates of indebtedness so made by said corporation shall be deposited with said trustees, and shall be issued and delivered by them to the creditors of said corporation in exchange for its existing debts and obligations to an equal amount as the same shall be ascertained and liquidated as hereinafter provided, and shall be used for no other purpose except as provided in this act; and creditors now holding obligations of said corporation payable in the money of Great Britain, shall be entitled to receive therefor certificates of indebtedness payable in the like money; and all other creditors shall be entitled to receive certificates of indebtedness payable in gold dollars of the United States; and for any fractional amount of debt of each class less than one hundred pounds sterling or than five hundred dollars, said trustees may issue scrip certificates, negotiable, and to be redeemed in

Certificates to
be exchanged
for existing
debts and obli-
gations.

certificates of indebtedness, when presented in sums of one hundred pounds sterling or of five hundred dollars.

Trustees to be furnished with a schedule of all outstanding obligations.

To adjust claims.

SECTION 5. For the purpose of ascertaining and liquidating the debts of said corporation to be secured under said mortgage, said corporation shall, within ten days after the recording of said mortgage, make up and deposit with said trustees, a schedule of all of its outstanding bonds and notes heretofore issued, and of all its ascertained debts due, whether payable at present or at a future time ; and said trustees shall forthwith, from time to time, adjust with the several creditors of said corporation the amount of their several debts and claims ; and the amount due on said bonds, notes and all other debts so adjusted shall be made up as cash, with addition or rebate of interest, as the case may be, to the first day of September, in the year of our Lord one thousand eight hundred and seventy-six, — that is to say, where such debt or obligation is payable in any currency other than gold, the same shall be adjusted without change in amount ; and where such debt or obligation is payable in gold or in the sterling money of Great Britain, the same shall be adjusted by adding to the amount of such debt or obligation the premium on gold on said first day of September upon the amount of interest then accrued ; and the amount so determined shall be the sum for which each creditor holding such adjusted and ascertained claim, shall be entitled to receive an equal amount of certificates of indebtedness issued under this act ; and said trustees shall set apart and hold an amount of such certificates of indebtedness equal to such claims, to be at any time exchanged for the existing debts and obligations of said corporation.

Claimant aggrieved may apply to S. J. C. for Suffolk County, and commissioners may be appointed to determine.

SECTION 6. Any person asserting a claim against said corporation, the validity or amount of which is not admitted by said trustees or said corporation, may apply to the supreme judicial court for the county of Suffolk, sitting in equity, by petition setting forth his claim, and that the same is not admitted ; and upon such application said court shall appoint three commissioners, who shall hear and determine the same, and all other claims of parties claiming to be creditors of said corporation which shall be presented before them ; and said commissioners shall fix such times and places for such hearings, and shall give such notices thereof as said court shall order ; and all claims found by said commissioners to be due from said

corporation, shall be made up as cash to said first day of September in the manner hereinbefore provided, and a schedule thereof, and a report of their doings in the premises, shall be returned by them to said court, which shall have power to confirm, or recommit, or set aside the same, in whole or in part.

SECTION 7. Any party aggrieved by the finding of said commissioners shall have the same right to appeal, and to have the matter of such appeal determined by a jury in the superior court for the county of Suffolk, or the supreme judicial court for said county, according to the amount of his claim, in the same manner as is by law provided in cases of appeal from commissioners appointed to determine claims against the estates of deceased persons represented as insolvent; and any person having a suit pending against said corporation at the date of the passage of this act, may elect to present his claim before such commissioner or to proceed to final judgment in said suit.

Party aggrieved by finding of commissioners may appeal therefrom.

SECTION 8. Any creditor whose claim shall be allowed by said commissioners, and approved by the court to which their report shall be made, and any party who shall recover final judgment on appeal or in suit as herein provided, shall be entitled at any time thereafter to receive from said trustees an amount of certificates of indebtedness issued under this act equal to the amount of his claim so ascertained, made up as cash to said first day of September, as hereinafter provided; but no claim shall be received for proof before said commissioners, or acted on by them, unless the same be presented for proof within one year from the date of the first meeting of said commissioners for hearing such claims: *provided, however*, that such limitation of time shall not apply to any claim included by said corporation in its schedule, provided in the fifth section of this act, and admitted by said trustees.

When disputed claim has been adjusted, certificate to issue.

SECTION 9. The three preceding sections shall apply to all claims which can be the subject of an action at law, whether in contract or tort, and any person claiming to hold against said corporation any other liability, and to be entitled, under section fifty-one of chapter three hundred and seventy-two of the acts of eighteen hundred and seventy-four or otherwise, to be secured under the mortgage hereby authorized, may apply by bill or petition to the supreme judicial court sitting in equity for the county of Suffolk, setting forth his claim, and praying that said

Rights of parties claiming other liabilities to be determined by supreme judicial court in equity for Suffolk County.

liability and his rights in the premises may be declared, established and defined; and said court shall have power to determine, and shall, after hearing, by fit order and decree, pass upon, determine, declare and establish whether such liability exists, and the validity, nature and extent of said claim, and the manner and extent to which the same is entitled to be secured under said mortgage, and all the rights of such claimant and the obligations of said corporation in the premises; and the like proceedings may be had in any court of the United States of competent jurisdiction: *provided, however*, that such bill or petition shall be filed, or proceedings commenced, within one year from the recording of said mortgage; and any and all liabilities so established and decreed, shall be secured, under the mortgage hereby authorized, in the manner and to the extent determined by such orders and decrees.

Record to be kept of all certificates issued.

SECTION 10. Said corporation, as well as said trustees, shall keep a true record of all certificates of indebtedness issued under said mortgage, and of all certificates of indebtedness redeemed and cancelled; and said corporation shall include in its annual return to the railroad commissioners, a statement of the amount of certificates of indebtedness outstanding at the date of such returns certified by the trustees under said mortgage; and provision shall be made in said mortgage for registration of the ownership of said certificates of indebtedness, for the purpose of determining the right of voting thereon as herein provided.

Separate meetings of stockholders and certificate-holders to be held for choice of directors.

SECTION 11. Within sixty days after the recording of said mortgage, the then president of the Eastern Railroad Company, or, in the event of his refusal or failure so to do, the trustees named in said mortgage, shall call a meeting of the stockholders of said corporation, and a meeting of the holders of certificates of indebtedness under said mortgage, to be held separately, but at the same time and place, in Boston, notice of which meetings shall be published daily for at least three weeks in three or more daily newspapers published in said Boston; and at said meetings so held, said stockholders shall choose in the usual manner three directors, and said holders of certificates of indebtedness shall choose by a majority vote of those present, or voting by proxy, six directors; and the nine persons so chosen shall constitute the new board of directors of said

Meetings for choice of directors.

corporation; and thereafter in each year a board of directors of said corporation shall be chosen in the same manner. The annual meetings of said stockholders and of said holders of certificates of indebtedness shall be held at such time and place in said Boston as may be prescribed by the by-laws of said corporation, or in default of such provision at such time and place as said trustees shall designate; and the directors so chosen shall hold their office until others shall be chosen in their stead. At such meetings of holders of certificates of indebtedness, one or more of said trustees shall preside, and in their absence one of said holders of certificates of indebtedness; and each holder of a certificate of indebtedness shall be entitled to vote in person or by proxy, casting one vote for each one hundred pounds or for each five hundred dollars held by him of said certificates of indebtedness, according to the registration list of said certificates of indebtedness, a copy of which shall be furnished to said trustees by said corporation for use at said meetings, and which shall be conclusive as to the right of voting. Whenever it shall appear by the annual return, made and certified as provided in the tenth section of this act, that the whole amount of certificates of indebtedness outstanding has been reduced to ten millions of dollars, or its equivalent in sterling, the power of the holders of certificates of indebtedness to elect and appoint directors, as provided in this section, shall cease and determine; and thereafter the whole board of directors shall be chosen by the stockholders at their annual meetings, in accordance with the general laws of the Commonwealth applicable to railroad corporations.

SECTION 12. In case any of the trustees named in this act shall die, resign or be removed, the remaining or surviving trustees or trustee shall call a meeting of the holders of the certificates of indebtedness issued under the authority of this act, by a notice to be published as provided in case of a meeting for election of directors, at which meeting one or more of the remaining or surviving trustees shall preside, or in their or his absence, one of the said holders of certificates of indebtedness, and each of said holders of certificates of indebtedness shall be entitled to vote in person or by proxy, casting one vote for each one hundred pounds or five hundred dollars, according to the registration list herein provided for, and

When indebtedness has been reduced to \$10,000,000, election of directors by certificate-holders to cease.

If any trustee dies or resigns, meeting to be called by surviving trustees.

Voting by
proxy.

a new trustee or new trustees shall be chosen by a majority of such votes of holders of certificates of indebtedness voting in person or by proxy; and any judge of the supreme judicial court sitting in equity, to whom application shall be made by such trustee or trustees so chosen, shall confirm said choice, if made in conformity with the terms of this act, except for good cause shown to the contrary; and whenever an election by the said holders of certificates of indebtedness shall fail from want of confirmation, or otherwise, another meeting of the said holders of certificates of indebtedness shall be called in the same manner, and the same proceedings had, until a new trustee or new trustees have been appointed and confirmed in the place of the trustee or trustees so dying, resigning or removed; and if a vacancy shall occur, and the surviving or remaining trustees or trustee shall neglect for one month to publish a proper call for such meeting of said holders of certificates of indebtedness, it may be called by three or more holders of certificates of indebtedness in the same manner as if called by the trustees; and if no call is published for such a meeting for two months after a vacancy occurs, the vacancy may be filled by an appointment to be made by any judge of the supreme judicial court sitting in equity, upon application of any party interested and after such notice to the other parties in interest as said judge shall order; and such confirmation or appointment shall vest the mortgaged premises and all the powers and trusts granted or authorized to be granted to the trustees named herein, in the trustee or trustees so chosen and confirmed or appointed, jointly with the surviving or remaining trustees or trustee, as fully as if they were the trustees named in this act, and to whom said mortgage is to be originally made; and subsequent vacancies occurring in the board of trustees shall be filled in the same manner and with the same effect; and any deeds and conveyances shall in each case be made by the surviving or remaining trustees or trustee, as counsel shall deem needful or proper.

Appointment of
new trustees by
S. J. C. in case
of vacancies.

Certificate of
appointment to
be filed where
mortgage is
recorded.

A certificate of the confirmation or appointment by the judge of the supreme judicial court shall be filed wherever the mortgage herein provided is directed to be recorded by the terms of this act, and until such confirmation or appointment, the surviving or remaining trustees or trustee shall have all the powers which the three trustees enjoyed

before said death, resignation or removal ; and in all cases the acts of any two trustees shall have the same force and validity as the acts of all the trustees.

SECTION 13. Said corporation, with the written assent of the trustees for the time being, which assent shall be given upon reasonable request, may sell, convey and dispose of any of its property not forming an integral part of its road and not needed for the operation of the same, including any lands not used or required for railroad purposes, and especially the dwelling-house property adjoining the freight house of said corporation in that part of said Boston lately called Charlestown, and the unoccupied land between the track leading to said freight house and Canal Street, and any and all stocks and bonds of other corporations, and any other property not used or required in conducting the current business of the corporation, and may give to the purchaser thereof a good title notwithstanding said mortgage ; and may apply the proceeds of such sales, under the direction of said trustees, to the payment of any existing liens, mortgages or other incumbrances upon such property, or upon any bonds or notes of said corporation pledged as collateral security, or upon other property of said corporation, including the existing mortgage upon the Essex Railroad formerly so called, now known as the Lawrence Branch of the Eastern Railroad, or to the purchase of other property which may be needed for the purposes of said corporation and to be included under said mortgage, or to the payment of any debts due from said corporation for labor or services rendered, or supplies furnished in the operation of its railroad since the first day of August, eighteen hundred and seventy-five, and any other claims which are entitled to preference under the bankrupt laws of the United States ; and during the term of six years after the first day of September, eighteen hundred and seventy-six, said corporation may in like manner, with the assent of the trustees, apply to the satisfaction and discharge of such liens, mortgages or other incumbrances, any portion of its net earnings over and above its operating expenses, including therein its necessary expenditures for construction, insurance, taxes, renewals and repairs needful to maintain its road and equipment in good condition, and its rentals, interest on certificates of indebtedness, and such payments as shall be required under its liabilities as determined

Corporation with assent of trustees may sell any property not needed for railroad purposes.

Proceeds of sales.

under the ninth section of this act. Nothing in section fifty-three of chapter three hundred and seventy-two of the acts of eighteen hundred and seventy-four, shall impair, in said company, the right of ownership in and to the shares and bonds of companies now connected with it by lease or contract, to the extent of their present investment, as creditors of and owners in said respective companies, but the provisions of this act shall not be construed to affect the personal liability of directors, or other persons, for their official actions.

Sinking fund for redemption or purchase of certificates of indebtedness.

SECTION 14. After the expiration of six years from said first day of September, or after said liens, mortgages and incumbrances shall at any earlier date have been satisfied and discharged, all proceeds of such sales as are authorized by the thirteenth section of this act, and all the annual net earnings of said road as therein defined shall be paid into a sinking fund, to be held by said trustees for the redemption or purchase of the certificates of indebtedness issued under said mortgage, whenever the same can be redeemed or purchased at a rate not exceeding par, which certificates of indebtedness shall be cancelled, when so redeemed or purchased, until the whole amount of certificates of indebtedness outstanding shall be reduced to ten million dollars or its equivalent in sterling, or until a sum sufficient so to reduce the same shall have been so paid in, and thereafter said corporation shall pay into said sinking fund in each year, if its net earnings shall suffice therefor, the sum of one hundred thousand dollars, to be held by said trustees, and to be invested, with all interest and income thereon accruing, in said certificates of indebtedness whenever the same can be purchased at a rate not exceeding par, and otherwise in securities of the United States or of this Commonwealth, or of any county, city or town in this Commonwealth, unless and until the sum so paid in, with its accumulations, shall suffice for the purchase or extinguishment of all said outstanding certificates of indebtedness at par, when and in which case such payments shall cease; said fund to be held as security for the payment of said certificates of indebtedness at their maturity, and any surplus thereof for the use of said corporation. And said trustees shall in each year report the condition of said sinking fund to the railroad commissioners of this Commonwealth.

Possession and

SECTION 15. The actual possession, use, management

and control of the mortgaged premises and property, shall remain in said corporation so long as there shall be no default in payment of the principal or interest of said certificates of indebtedness, or in the performance of any of the other obligations secured by said mortgage as determined under the provisions of the ninth section of this act; but in case of default upon said certificates of indebtedness or in the performance of such obligations, such default continuing for six months, said trustees may, and, if such default continues for twelve months, at the request of one-tenth part in amount of the holders of the certificates of indebtedness issued, then outstanding, shall enter upon and take possession of all the mortgaged premises, and take, receive and operate said railroad and franchises and property under said mortgage, and collect and receive the rents, income and profits thereof, as fully as said corporation could do if no default had been made; and while so in possession, said trustees shall apply such parts of said rents, income and profits as shall in their judgment be necessary to the payment of the running and operating expenses of the road, including the necessary repairs of road, road-bed, buildings, machinery and equipment, and all expense of agents, clerks, officers, employes and laborers, and all claims for damages allowed, and all payments for insurance and taxes, and all items usually distributed to transportation expenses in railroad accounts and to such increase and improvement of said road, buildings, machinery and equipment as the business shall, in their judgment, require, and to the payment of any and all claims necessary to secure to them the estate and franchises by said mortgage conveyed, and to their own compensation, and to the employment of competent legal advisers in their discretion, and to any and all other charges that are or should be allowed by a court of equity, in the case of a receiver or trustee; and said trustees are further authorized and empowered, after having taken possession as aforesaid, to contract with any railroad corporation to lease or to operate the said railroad for any period not exceeding the term for which said trustees are authorized to retain possession thereof. And said trustees shall, while so in possession, keep full and accurate accounts of all sums received and paid out by them, which shall be at all reasonable times open to the inspection of the officers of said corporation and to the railroad commis-

control of road to remain in corporation until default in payment of principal or interest of certificates of indebtedness, when trustees may take possession.

Trustees in possession, to keep full and accurate accounts.

sioners, and shall, at least once a year, publish abstracts thereof for the use of the holders of certificates of indebtedness.

Trustees upon taking possession to file notice thereof in Suffolk, Essex and Middlesex registries of deeds.

SECTION 16. On taking possession as above provided, the trustees shall file in each of the registries of deeds for the counties of Suffolk, Middlesex and Essex, a written notice acknowledged before a notary-public, or justice of the peace, certifying that they have so entered and taken possession under said mortgage for breach of condition thereof and default thereon, and for the purpose of foreclosing the same for such default. And if such default shall continue for the space of two years after such notice shall be filed, the foreclosure of said mortgage shall become complete, and the whole mortgaged premises, franchises and property shall vest absolutely in fee in said trustees without further process of law, and all right or equity of redemption of said corporation therein shall be forever barred and foreclosed; but if the whole principal and interest which shall be in arrear, and the lawful claims, disbursements and liabilities of said trustees incurred in the management of the trust, shall be fully paid and satisfied within said period of two years, either by said corporation or out of the net earnings of the mortgaged property in the trustees' possession, then said trustees shall surrender to said corporation the mortgaged property and all additions made by them thereto, and said corporation shall become entitled to the same as of its former estate without reconveyance.

If default continues for two years, foreclosure shall be complete, property vest absolutely in trustees, and equity of redemption shall be barred.

In case mortgage is foreclosed, certificate-holders may meet and organize themselves into a corporation.

SECTION 17. In case of the absolute foreclosure of said mortgage, as above provided, it shall be the duty of the trustees to call a meeting at said Boston of the holders of the certificates of indebtedness, by an advertisement of the time, place and object thereof, published at least three times a week, for three successive weeks, in newspapers published, one in the city of Boston, one in the city of New York, and one in London, England; and the holders of certificates of indebtedness at such meeting may, at an election to be presided over by such of said trustees or their successors as may be present, and at which each holder of a certificate of indebtedness may vote in person or by proxy, as provided in the eleventh section of this act, choose from their number a board of nine directors, and may organize themselves into a corporation, with a corporate name to be selected by them, and a capital stock

equal to the principal of the then outstanding mortgage debt, divided into shares of one hundred dollars each, which said corporation shall be invested with all the powers, privileges and franchises vested in the Eastern Railroad Company, and shall be subject to all the duties, liabilities and restrictions imposed upon the said Eastern Railroad Company under its charter and the laws of this Commonwealth now or hereafter in force applicable to railroad corporations; and said new corporation shall consist of the holders of the said certificates of indebtedness, at the rate of ten shares for every such certificate of one thousand dollars or of two hundred pounds sterling, who shall surrender said certificates of indebtedness to said new corporation to be exchanged for certificates of stock at the rate aforesaid. And said trustees shall by deed convey to the new corporation all the mortgaged property, premises, estate and franchises, and all additions thereto, and all moneys remaining in their hands when they shall be fully paid and indemnified for their services, expenses and liabilities as hereinbefore provided, which deed shall be recorded in the several registries of deeds wherein said mortgage is recorded; and upon the organization of the holders of certificates of indebtedness into a corporation, they shall file in the office of the secretary of state a copy of their proceedings in such organization under the corporate seal of said new corporation, attested by its president and clerk, which shall be *prima facie* evidence in all suits by or against it that it is a corporation; and thereafter no holder of a certificate of indebtedness shall be entitled to participate in earnings of the mortgaged property until he shall surrender his certificates of indebtedness to the new corporation as herein provided. But said mortgaged property shall be held by said new corporation, subject to the performance of such outstanding obligations and conditions, if any, as shall be ordered and decreed to be performed by the Eastern Railroad Company under the provisions of the ninth section of this act.

Certificates of indebtedness to be exchanged for certificates of stock in new corporation.

SECTION 18. The compensation of the trustees under said mortgage, and of the commissioners to be appointed under this act, shall be determined by the supreme judicial court, upon application of any party interested, and shall be paid by said corporation: *provided, however*, that the compensation of each of said trustees shall not exceed two thousand dollars for the first year, and one thousand

Compensation of trustees to be determined by the supreme judicial court.

Proviso.

dollars for each subsequent year; and the remedies hereinbefore given to said trustees shall not be construed to deprive them, or parties secured under said mortgage, of their full rights and remedies in the courts of law and equity as the same now exist or may exist; and any court of competent jurisdiction may enforce any of the provisions of said mortgage.

SECTION 19. This act shall take effect upon its passage.



Approved April 28, 1876.

[1877, 243; 1878, 4, 55; 1880, 205; 1881, 145.]

[1873, 239; 1874, 203; 1875, 25; 1876, 224.]

Chap. 239 AN ACT in further addition to an "Act to establish a Hospital for the Insane in the North-Eastern part of the Commonwealth."

Be it enacted, etc., as follows:

Additional
appropriation
of \$450,000.

SECTION 1. The commissioners appointed under authority of chapter two hundred and thirty-nine of the acts of eighteen hundred and seventy-three, are authorized to expend for the purpose named, and under the conditions prescribed in the first section of said act, the sum of four hundred and fifty thousand dollars, in addition to the amounts heretofore authorized; and the same is hereby appropriated, to be provided for in the manner, and under the conditions prescribed for the expenditure authorized in said act: *provided*, that no expenditure shall be authorized, and no part of said appropriation shall be paid until contracts have been made with sufficient guaranty for their performance, to the satisfaction of the governor and council, for the entire completion and finishing of the hospital and all its appurtenances, ready for use and occupation, for a sum not exceeding six hundred thousand dollars.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved April, 28, 1876.

[1877, 132, 242, 244, 252.]

[1874, 271; 1875, 106; 1876, 184.]

Chap. 240 AN ACT relating to the several Municipal Courts of the City of Boston.

Be it enacted, etc., as follows:

Jurisdiction.
Municipal court
of Boston.

SECTION 1. The criminal and civil jurisdiction of the municipal court of the city of Boston, shall embrace the district and territory included in wards six, seven, eight, nine, ten, eleven, twelve, sixteen, seventeen and eighteen of said city.

SECTION 2. The criminal and civil jurisdiction of the municipal court of the East Boston district, shall embrace the district and territory included in the town of Winthrop and in wards one and two of said city.

East Boston
District.

SECTION 3. The criminal and civil jurisdiction of the municipal court of the Charlestown district, shall embrace the district and territory included in wards three, four and five of said city.

Charlestown
District.

SECTION 4. The criminal and civil jurisdiction of the municipal court of the South Boston district, shall embrace the district and territory included in wards thirteen, fourteen and fifteen of said city.

South Boston
District.

SECTION 5. The municipal court of the Highland district shall be hereafter called and known as the municipal court of the Roxbury district. The criminal and civil jurisdiction of said court shall embrace the district and territory included in wards nineteen, twenty and twenty-one of said city, and so much of ward twenty-two of said city as lies east of the eastern boundary between said ward and the town of Brookline, and of a line drawn through the centre of St. Mary's Street extended.

Roxbury
District.

SECTION 6. The criminal and civil jurisdiction of the municipal court of the Brighton district, shall embrace the district and territory included in that part of ward twenty-two of said city which lies west of the eastern boundary between said ward and the town of Brookline, and of a line drawn through the centre of St. Mary's Street extended.

Brighton
District.

SECTION 7. The criminal and civil jurisdiction of the municipal court of the West Roxbury district, shall embrace the district and territory included in ward twenty-three of said city.

West Roxbury
District.

SECTION 8. The criminal and civil jurisdiction of the municipal court of the Dorchester district shall embrace the district and territory included in ward twenty-four of said city.

Dorchester
District.

SECTION 9. So much of chapter two hundred and seventy-one of the acts of the year eighteen hundred and seventy-four as relates to the jurisdiction of the courts mentioned in this act, is hereby repealed.

Repeal.

SECTION 10. The clerks of the courts mentioned in this act shall hold their several offices according to the terms of their respective commissions unless sooner removed according to law. Whenever a vacancy occurs in

Clerks of the
courts.

Vacancies.

either of said offices, by death, resignation, expiration of commission, removal as aforesaid, or otherwise, the vacancy shall be filled by appointment by the governor, by and with the advice and consent of the council, for the term of five years, subject to removal as aforesaid.

Approved April 28, 1876.

[1877, 165, 187; 1878, 53; 1879, 154, 257; 1881, 10, 62, 261.]

Chap. 242 AN ACT relating to the Division of Ward Twenty-Two of the City of Boston into Two Wards.

Be it enacted, etc., as follows:

Ward twenty-two in Boston to be divided into two wards.

SECTION 1. The city council of the city of Boston shall immediately upon the passage of this act proceed to divide the ward now numbered twenty-two in said city into two wards, to be known as ward twenty-two and ward twenty-five, and to prescribe a place in each ward in which elections shall be held.

Ward officers to be appointed.

SECTION 2. Upon such division the tenure of office of the ward officers in ward twenty-two as at present existing, shall expire, and the mayor and aldermen shall appoint, from the legal voters of each ward, ward officers to hold their several offices until the first Monday of January next succeeding such division; and such offices, for the year thereafter ensuing, and every succeeding year shall be filled in the manner provided by law with respect to ward officers in the city of Boston.

Common councilmen.

SECTION 3. At the municipal election next succeeding such division, the qualified voters of said new ward twenty-two shall carry in their votes for two able and discreet men, qualified voters and inhabitants in said ward, to be members of the common council for the ensuing year, and at said election the qualified voters of said new ward twenty-five shall carry in their votes for one able and discreet man, a qualified voter and inhabitant in said ward, to be a member of the council for the ensuing year. At the municipal election next succeeding, said new ward twenty-two shall be entitled to elect one, and said new ward twenty-five two members in the manner aforesaid and qualified as aforesaid, and said wards shall thereafter alternately elect one and two members of the common council as hereinbefore set forth. Elections shall be conducted and records thereof kept in the manner provided in section two of chapter two hundred and forty-three of the



acts of the year eighteen hundred and seventy-five: *provided*, that nothing contained in this act shall affect the tenure of office of the present members of the common council from ward twenty-two.

SECTION 4. Ward twenty-five shall constitute a part of the eighth congressional and eighth Suffolk senatorial districts. Congressional and senatorial districts.

SECTION 5. This act shall take effect upon its passage.

Approved April 28, 1876.

[1821, 110; 1822, 85, 107; 1823, 2; 1824, 28, 69; 1829, 80; 1830, 7; 1831, 38; 1838, 123; 1850, 167; 1851, 337; 1852, 266; 1853, 354, 448, 449; 1866, 174; 1868, 276; 1872, 15; 1875, 243.]

AN ACT relating to Ward Officers in the City of Boston.

Chap. 246

Be it enacted, etc., as follows:

SECTION 1. The mayor of the city of Boston shall, prior to the first day of November in the present year, with the approval of the board of aldermen of said city, appoint for each ward of said city, three inspectors of elections, who shall be qualified voters and inhabitants in such ward. One of said inspectors shall hold his office for one year, one for two years, and one for three years, from said first day of November; and in each year after the present, the said mayor shall, before the first day of November, and with the approval of said board, appoint for each ward one inspector of elections, who shall be a qualified voter and inhabitant in such ward, and shall hold office for three years from the first day of November then next succeeding. Any such inspector may be at any time removed from office by said mayor, with the approval of said board, and any vacancy occurring in the office of said inspectors shall be filled, for the residue of the term of the inspector whose place is to be filled, by appointment and approval as above provided. Three inspectors of elections to be appointed for each ward.

SECTION 2. Said inspectors of elections, before entering upon the duties of their office, shall take and subscribe an oath faithfully and impartially to discharge such duties; which oath may be administered by the city clerk, or by his assistant, or by any justice of the peace, and a record made thereof in the office of said city clerk. May be removed at any time.

SECTION 3. The qualified voters of each ward in said city, at the municipal election to be held in December next, and at each annual municipal election thereafter, shall choose by ballot one warden, one clerk, and three To be sworn.
Warden, clerk, etc., to be elected.

inspectors of elections, each of whom shall be a qualified voter and inhabitant in such ward, and shall hold his office for one year, and until another shall be chosen and qualified in his stead, unless he shall sooner vacate his office in the manner hereinafter set forth.

To be sworn.

SECTION 4. The said wardens, clerks and inspectors, shall respectively make oath faithfully and impartially to discharge their several duties, which oath may be administered by the clerk to the warden, and by the latter to the clerk and inspectors, or to any or all of said officers by the city clerk, or by his assistant or by any justice of the peace; and a certificate thereof shall be entered in the record to be kept by the ward clerk.

In case of non-election, new election to be held.

SECTION 5. In case of the non-election of any of said officers at the annual municipal election, the board of aldermen of said city may issue their warrant in due form for an election to be held at such time and place as said board may deem advisable.

In case of absence, officer *pro tem.* may be elected by hand-vote.

SECTION 6. In case of the absence of any ward officer at any ward meeting, such officer may be chosen *pro tempore* by hand vote, and shall have all the powers and be subject to all the duties of the regular officer, at such meeting. The person so elected, before entering upon the duties of his office, shall take the oath as hereinbefore provided.

Warden to preside and have powers of moderators.

SECTION 7. The warden shall preside at all meetings of his ward, and shall have the powers of moderators of town meetings. In case of his absence, the clerk, and in case of the absence of both warden and clerk, one of the elected inspectors, according to seniority in age, shall preside until a new warden has been chosen.

Clerk to keep records, etc.

SECTION 8. It shall be the duty of the clerk to make and keep a fair and true record of all meetings, and at the expiration of his term of office to deliver such record, together with all other documents and papers held by him in his said capacity, to the city clerk, by whom such of them as need be shall be transmitted to the next ward clerk.

Warden and inspectors to receive, sort and count votes.

SECTION 9. It shall be the duty of the warden and inspectors to receive, sort and count, and of the warden to declare, all votes at any election within such ward; and the clerk may assist in assorting and counting the votes.

Ward officers to make and sign returns.

SECTION 10. It shall be the duty of all ward officers named in this act to attend and perform their respective duties at the times and places appointed for elections of

any officers, whether of the United States, state, city or wards, or for the determination of any question submitted to the qualified voters by lawful authority; and to make and sign the returns of the same.

SECTION 11. The wardens, clerks and inspectors of elections shall receive such compensation for each day's actual service as the city council of said city may from time to time determine, and shall be subject to the penalties to which such ward officers are subject under general laws. Compensation.

SECTION 12. The registrars of voters of said city shall provide for each ward therein, a sufficient number of suitable ballot-boxes. No ballots shall be received at any election, until the full number of ward officers as hereinbefore prescribed has been completed, nor unless the warden, clerk and at least two of the appointed inspectors and two of the elected inspectors are present, nor until each of said ward officers who is present has ascertained by personal examination that the ballot-boxes are empty. While an election is going on, each ballot-box shall be in the immediate charge of two inspectors, one from the appointed inspectors and one from the elected inspectors during the whole time that ballots are received in that box. Ballot-boxes to be provided by registrars of voters.

SECTION 13. The wardens and clerks who were elected in the several wards at the municipal election held in December eighteen hundred and seventy-five, shall hold their offices as such, and act at meetings which may be held in said wards prior to and including the next municipal election; and such of the inspectors of elections in each ward as were elected at said municipal election, or so many of them as may be present, shall likewise hold their offices as such, and act at the meetings which may be held in said wards prior to and including the next municipal election, notwithstanding their number may exceed three; but if any vacancies occur in their number, such vacancies shall not be filled unless the same is required to complete the number of three elected inspectors, and said vacancies shall be filled in the manner provided in section six of this act. Each box to be in charge of two inspectors.

SECTION 14. Sections seven, eight, nine, ten, eleven, twelve, thirteen and fourteen of chapter four hundred and forty-eight of the acts of the year eighteen hundred and fifty-four and all other acts and parts of acts inconsistent with the provisions of this act, are hereby repealed. Ward officers elected in December, 1875, to serve at next municipal election.

Approved April 28, 1876.

[1878, 243.]

CHANGE OF NAMES OF PERSONS.

In compliance with the 14th section of the 110th chapter of the General Statutes, returns of the following Changes of Names have been received at the Department of the Secretary of the Commonwealth, as decreed by the several Judges of the Probate Courts, in their respective Counties:—

SUFFOLK COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1875.			
Jan. 18,	Daisie Marion Penn,*	Dasie Marion Burrows,	Liverpool, Engl'd.
18,	William Penn,*	William Burrows,	Liverpool, Engl'd.
18,	Jennie Sargent,	Jennie Ricker,	Boston.
25,	Mary Nagle,*	Mary Lemoine,	Woburn.
Feb. 15,	Emma Jane Bell,*	Emma Jane Pulsifer,	Cambridge.
15,	Mary Ann McGurdy,*	Mary Ann Bird,	Cambridge.
15,	Margaret McGurdy,*	Margaret Bird,	Cambridge.
23,	Anna F. Mahoney,*	Anna F. Dunn,	Boston.
Mar. 1,	Mary Jane Curtis,*	Mary Jane Grant,	Troy, N.Y.
22,	Jessie E. Kirkpatrick,*	Jessie Elizabeth Gates,	Boston.

CHANGE OF NAMES.

107

Apr. 5,	Waldo Clarence Haynes,*	.	.	Joseph Rollins De Castro French, .	Boston.
5,	Walter Edward Welch,*	.	.	Freddie Walter Emerton, .	Boston.
12,	Elizabeth Ruddick,*	.	.	Eliza Watson, .	Boston.
May 3,	Loammi Crosby, .	.	.	Lew Crosby, .	Boston.
17,	Edith Augusta Smith,*	.	.	Edith Augusta Ham, .	Boston.
17,	Andrew Hall Ferdinand,	.	.	Andrew Ferdinand Hall,	Boston.
June 14,	Lucy Brackett Wadleigh,*	.	.	Lucy Brackett Chase, .	Brooklyn, N.Y.
21,	Martha Thain,*	.	.	Carrie Wilson Carpenter,	Boston.
21,	Imogene Russell Harding,	.	.	Gena Russell Harding, .	Boston.
21,	Odelia Baltz,*	.	.	Matilda Bach, .	Boston.
28,	Charlotte White,*	.	.	Mabel Angel Carter, .	Dedham.
28,	Annie Sullivan,*	.	.	Annie C. Randall, .	Boston.
July 6,	Charles McClellan Murphy,	.	.	Charles McClellan Ballard,	Boston.
26,	Harry G. Collins, .	.	.	Alberton Deahorne Breeding,	Boston.
Aug. 9,	John Boyce, .	.	.	John Fitzgibbon, .	Boston.
16,	Herman Bowers, .	.	.	Herman Wenskowski, .	Boston.
28,	Nathaniel William Curtis,	.	.	Nathaniel Curtis, .	Boston.
Oct. 11,	Marie Koehling,*	.	.	Marie Saalwaechter, .	Boston.
11,	Friederick Koehling,*	.	.	Friedrick Saalwaechter,	Boston.

* Names changed by reason of adoption.

SUFFOLK COUNTY — *Concluded.*

Date of Decree.	Original Name.	Name Decreed.	Residence.
1875.			
Oct. 18,	Grace Williams,*	Grace Nourse,	Cambridge.
Nov. 15,	Leonard Marshall Prescott,*	Leonard Prescott Hilton,	Somersworth, N.H.
Dec. 6,	Saida Gray,*	Saida Baker,	Boston.
13,	Thomas Vinton Young,	Richard Randolph Shaw,	Boston.
27,	Marvin Sumner,*	Mervin Sumner Johnson,	Boston.
27,	Mary Flatley,*	Nettie Harris Smith,	Boston.
27,	Ida May Costello,*	Alice Goodridge	Cambridge.

ESSEX COUNTY.

Jan. 18,	Blanche Augusta Lawrence,	Blanche Lawrence Cummings,	Andover.
25,	Pauline Carr,	Pauline Wadleigh,	Salisbury.
25,	Claudia Lee Horne,	Fannie Spencer Littlefield,	Haverhill.
Mar. 1,	Frank R. Smith,	Frank R. Frost,	Haverhill.
8,	Katie Jane Carter,	Katie Jane Robinson,	Lawrence.

CHANGE OF NAMES.

109

Mar. 8,	Mary Ann Fuller, .	.	.	.	Maria Annie Dawson, .	.	Lawrence.
22,	Paulina Chambers, .	.	.	.	Annie Peabody True, .	.	Salisbury.
22,	Arthur Webster Johnson,	.	.	.	Arthur Webster Ballard,	.	Salem.
Apr. 12,	Hattie Margenson, .	.	.	.	Hattie Denby, .	.	Newark, N.J.
19,	Hannah Tinker, .	.	.	.	Hannah Butterworth, .	.	Salisbury.
June 14,	Ellen Maria Fuller, .	.	.	.	Nellie Fuller Manning, .	.	Rockport.
21,	Clarence Elmer Bailey, .	.	.	.	Clarence Elmer Wirth, .	.	Peabody.
21,	Frank Bailey, .	.	.	.	Edward Oscar Wirth, .	.	Peabody.
21,	Joseph Walter Bailey, .	.	.	.	Joseph Walter Wirth, .	.	Peabody.
Aug. 2,	Alice Ruth Legro, .	.	.	.	Alice Reynolds Hood, .	.	Beverly.
Sept. 6,	Ada Ingalls Gaskill, .	.	.	.	Ada Joseph Young, .	.	Salisbury.
13,	Frank Bent, .	.	.	.	Frank William Holt, .	.	Lawrence.
13,	Anna Maria Corser, .	.	.	.	Annie Maria Baker, .	.	Amesbury.
20,	Lewis Thorndike Lee, .	.	.	.	Alfred Thorndike Lee, .	.	Lynn.
Oct. 18,	Frederick C. Trefethen, .	.	.	.	Frederick C. Joslyn, .	.	Lynn.
25,	Charlotte Ann Saunders, .	.	.	.	Charlotte Ann Taylor, .	.	Lynn.
Dec. 6,	Ida F. Twiss, .	.	.	.	Ida Twiss Bragdon, .	.	Danvers.
20,	William M. Coffin, Jr., .	.	.	.	William M. Gray, .	.	Milford. N.H.
20,	Florence Etta Twiss, .	.	.	.	Florence Etta Melden, .	.	Lynn.

* Names changed by reason of adoption.

CHANGE OF NAMES.

MIDDLESEX COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1875.			
Jan. 5,	Viola Fletcher,	Alice Maud Jacobs,	Marlborough.
5,	Clara Robinson,	Clara Wakefeld,	Hopkinton.
19,	William Walters Whitten,	William Burr Plunkett,	Lowell.
19,	Frances Gertrude Valentine Sylvester,	Frances Gertrude Valentine,	Newton.
19,	Mabel Hedwig Valentine Sylvester,	Mabel Hedwig Valentine,	Newton.
26,	Helena Josephine Dick,	Helena Josephine Goldsmith,	Lowell.
Feb. 9,	Joanna McCarron,	Josephine Agnes Barnes,	Marlborough.
Mar. 9,	Cora Mabel Gould,	Cora Mabel Haggood,	Ashby.
Apr. 6,	Etta Frances Taylor,	Etta Frances Palmer,	Lowell.
6,	Lottie Agnes Howe,	Charlotta Agnes Holbrook,	Ashland.
18,	Samuel Mitchell,	Samuel O'Kelly,	Marlborough.
18,	Ida Lucy Morehouse,	Ida Lucy Wells,	Lowell.
May 11,	Amy Polland,	Amy Maier,	Cambridge.
18,	Carrie Isabella Ackerman,	Carrie Isabella Hibbard,	Hopkinton.
25,	Ella Frances Collins,	Annie Gertrude Hicks,	Somerville.
June 22,	Matilda Ann Gregory,	Elizabeth Stephens Latimer,	Newton.
July 6,	Cynthia Louisa Hoffer,	Lulu Cox,	Cambridge.

CHANGE OF NAMES.

111

July 27,	Nellie F. Brigham,	.	.	.	Nellie Fay Brigham Belknap,	.	Marlborough.
Sept. 7,	Ida Ella Wilson,	.	.	.	Clara Ella Page,	.	Ayer.
14,	Emma Keziah Page,	.	.	.	Nellie Keziah Farrington,	.	Lowell.
28,	Jessie Anna Brooks,	.	.	.	Jessie Anna Spaulding,	.	Groton.
Oct. 12,	George Levi Morse,	.	.	.	Joseph Warren Adams,	.	Somerville.
12,	Herbert William Prouty,	.	.	.	Herbert William Estabrook,	.	Natick.
26,	George Wiley,	.	.	.	George Wiley Higgins,	.	Holliston.
26,	Emma Cutting Bent,	.	.	.	Emma Cutting Bent Gray,	.	Framingham.
Nov. 7,	Anne Max,	.	.	.	Anne Max Murphy,	.	Stoneham.
23,	Ida L. Haven,	.	.	.	Ida Lillian Hutchinson,	.	Burlington.
23,	Mary McNaught,	.	.	.	Mary Hutchinson,	.	Burlington.
23,	John S. McNaught,	.	.	.	John Stuart Hutchinson,	.	Burlington.
Dec. 14,	Ella Maud Johnson,	.	.	.	Maud Ellene Noyes,	.	Somerville.

WORCESTER COUNTY.

Jan. 5,	Anna Maria Lamb,	.	.	.	Anna Maria Wilson,	.	Leicester.
5,	Charles H. Baylies,	.	.	.	Charles H. Warren,	.	Templeton.
19,	John Carter,	.	.	.	John Albion Carter,	.	Petersham.

CHANGE OF NAMES.

WORCESTER COUNTY — Concluded.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1875.			
Mar. 2,	Nellie Dascomb Lovejoy,	Nellie Dascomb Temple,	Gardner.
2,	Mabel H. Ball,	Mabel Stevens Ball,	Worcester.
Apr. 6,	Frances Maria Eaton,	Frances Maria Chase,	Milford.
20,	James Edward White,	James Edward Mowry,	Douglas.
27,	Unknown,	Emmie Clinton Smith,	Athol.
June 15,	George K. Warner,	George W. Lawrence,	Fitchburg.
July 6,	Harriet Higgins Merrill,	Harriet Merrill Marcy,	Southbridge.
20,	Frederick D. Gassett,	Frederick Hildreth,	Milford.
20,	Ella Frances Jones,	Ella Frances Hale,	Leominster.
Sept. 7,	Frances Eliza Young,	Edna Eliza Morse,	Webster.
7,	Cora Augusta Shaw,	Cora Augusta Davies,	Winchendon.
7,	Eugene Manning,	Eugene Ames,	Royalston.
28,	Bertha Alace Carlton,	Carrie Emeline Young,	Templeton.
Oct. 5,	Effie Gibson,	Alice Effie Kimball,	Fitchburg.
5,	Caro Frances Goulding,	Caro Frances Wetherbee,	Worcester.
Nov. 2,	Willie Henry Akins,	Willie Henry Wilson,	Leicester.

Nov. 2,	Ida M. Davenport,	.	.	.	Madge Davenport Ballou,	.	.	Grafton.
16,	William Henry Brown,	.	.	.	William Henry Sherman,	.	.	West Brookfield.
Dec. 7,	Cora Ella Bradford,	.	.	.	Cora Ella Remington,	.	.	Northbridge.

HAMPSHIRE COUNTY.

Jan. 5,	Edward Ericsson,*	.	.	.	Frank Edward Main,	.	.	Northampton.
Mar. 2,	Hattie Munn,*	.	.	.	Eliza Bennett,	.	.	Middlefield.
May 4,	Mary Lueser Beaman,*	.	.	.	Mary Lueser Lovell,	.	.	Amherst.
4,	Charlie Rhoad,*	.	.	.	Frederic A. Bryant,	.	.	Chesterfield.
4,	Frank Wilbur Rhoad,*	.	.	.	Frank Wilbur Clark,	.	.	Huntington.
July 6,	Edwin J. Beaman,*	.	.	.	Edwin J. Ingram,	.	.	South Hadley.
Sept. 7,	Inez Eudora Park,*	.	.	.	Inez Eudora Park Butterfield,	.	.	South Hadley.
Nov. 3,	Clarence W. Hunt,*	.	.	.	Clarence W. Spooner,	.	.	Granby.
8,	George N. Hunt,*	.	.	.	Geo. N. Goldthwait,	.	.	Granby.
9,	Clara Bell Truesdell Kendall,*	.	.	.	Clara Bell Kendall Thayer,	.	.	Amherst.

HAMPDEN COUNTY.

Jan. 5,	Mary Emma Hodge,	.	.	.	Josephine Allen Burton,	.	.	West Springfield.
Feb. 2,	Arabella Horton,	.	.	.	Bella Horton Stevens,	.	.	Westfield.

* Names changed by reason of adoption.

HAMPDEN COUNTY—Concluded.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1875.			
Mar. 2,	Edward Maurer,	Edson Bradford Turpin,	Springfield.
Apr. 14,	Isabella Brown,	Bertha Arabel Cook, .	Springfield.
May 4,	John Work,	John Dudley Colton, .	Longmeadow.
4,	Gertrude Welden Hastings Barrett,	Edith Gertrude Johnson,	Chicopee.
July 6,	Addie Martin,	Addie Lupin,	Palmer.
9,	Laura Barney,	Laura Barney Wakefield,	Wales.
Oct. 16,	Nellie Brennan,	Nellie Josephine Marvin,	Springfield.
Nov. 23,	Walter Albert Crowell,	Walter Albert Reed, .	West Springfield.
Dec. 7,	Franklin Brown,	Frank Watson Halladay,	Agawam.

FRANKLIN COUNTY.

Feb. 9,	Luther O. Root,*	Charles L. Bullock, .	Bernardston.
9,	Geneva L. Searle,*	Geneva L. Morse, .	Montague.
Mar. 9,	Jennie L. Rhoad,*	Jennie L. Lawrence,	Conway.
June 1,	John McCarty,	John Barber,	Northfield.
1,	Etta E. Parker,*	Etta E. Bond,	Buckland.

July 6,	Mary Moore,*	.	.	.	Bertha A. Chamberlain,	.	.	Orange.
6,	Frank B. Farlin,*	.	.	.	Frank B. Graves,	.	.	Greenfield.
Sept. 7,	Flora M. Reynolds,	.	.	.	Flora M. Freeman,	.	.	Shutesbury.
7,	— Seley (infant),*	.	.	.	John G. L. Quinton,	.	.	Greenfield.
Nov. 8,	Geo. W. Loveland,*	.	.	.	Geo. W. Gunn,	.	.	Montague.
8,	Effie A. Loveland,*	.	.	.	Effie A. Gunn,	.	.	Montague.
Dec. 7,	Lula L. Brown,*	.	.	.	Lula L. Temple,	.	.	Heath.
7,	Sadie R. Brown,*	.	.	.	Sadie R. Maxwell,	.	.	Heath.
7,	— Weston (infant),*	.	.	.	Lillian E. Morton,	.	.	Whately.
7,	— Cutler (infant),*	.	.	.	Eva M. Parker,	.	.	Greenfield.
7,	Oscar S. Ripley,*	.	.	.	Oscar S. Williams,	.	.	Sunderland.
14,	Daisy Clark,	.	.	.	Daisy J. Leland,	.	.	Orange.

BERKSHIRE COUNTY.

Jan. 5,	Agnes Connover,	.	.	.	Florence Agnes Butler,	.	.	Adams.
Feb. 2,	David Munn,	.	.	.	David Larmary,	.	.	Becket.
Mar. 2,	Thomas Hopper,	.	.	.	Thomas Fortune,	.	.	Hinsdale.
May 4,	Louisa Le Barnes,	.	.	.	Annie V. Babcock,	.	.	Pittsfield.

* Names changed by reason of adoption.

BERKSHIRE COUNTY — Concluded.

Date of Decree.	Original Name.	Name Decreed.	Residence.
July 20,	Lydia Amanda Le Barnea, . . .	Lydia Amanda Proper, . . .	Pittsfield.
Nov. 3,	Ettie Irene Bicknell, . . .	Ettie Irene Converse, . . .	Dalton.
Dec. 7,	Joseph Alexander Marsh . . .	Joseph Alexander Strong, . . .	Adams.

NORFOLK COUNTY.

Jan. 6,	Etta Estelle Knowles,* . . .	Etta Estelle Wilbur, . . .	Randolph.
6,	Patrick Treacy,* . . .	Patrick Meaney, . . .	Brookline.
July 21,	Annie F. Richardson,* . . .	Annie Lorena Ford Reed, . . .	Foxborough.
21,	Frederick U. Smith,* . . .	Frederick Henry Barker, . . .	Quincy.
Sept. 1,	Mary Rollins,* . . .	Mary Malinda Mac Kenzie, . . .	Hyde Park.

BRISTOL COUNTY.

Jan. 1,	Lisale Maria Leslie, . . .	Lisale Maria Briggs, . . .	New Bedford.
Apr. 2,	Earnest A. Brown, . . .	Charles Armstrong Cole, . . .	New Bedford.
June 4,	George Gates, . . .	Edward Livingston Baker, . . .	New Bedford.

June 4,	Mary Lydia Orvis,	.	.	.	Mary Lydia Weston,	.	.	Fall River,
July 9,	Addie E. Provost,	.	.	.	Emma Etoily Peirce,	.	.	Rehoboth.
Aug. 6,	Ladora I. Howland,	.	.	.	Dora Elizabeth Shores,	.	.	Dartmouth.
6,	Frank H. Stetson,	.	.	.	Frank H. Harrison,	.	.	Fall River.
6,	Lousia Cook,	.	.	.	Louisa Cook Spellman,	.	.	Taunton.
Sept. 3,	Susan Abby Jones,	.	.	.	Alice Draper Brown,	.	.	Woonsocket.
3,	Margaret Boland,	.	.	.	Margaret Galligan,	.	.	Norton.
Nov. 19,	Bertha Frances Briggs,	.	.	.	Bertha Frances Wilbar,	.	.	Taunton.
19,	Sarah Maria Briggs,	.	.	.	Sarah Maria Walker,	.	.	Taunton.
Dec. 17,	Anna Mildred Hall,	.	.	.	Millie Kennedy,	.	.	Easton.

PLYMOUTH COUNTY.

Jan. 11,	Flora Staples,*	.	.	.	Flora Nichols,	.	.	Plymouth.
Apr. 12,	Margaret E. Hamilton,*	.	.	.	Florence M. Helmes,	.	.	Plymouth.
May 10,	Julia Bennett,*	.	.	.	Ida May Whittier,	.	.	Brockton.
June 14,	Francis Harrington,*	.	.	.	Francis Keough,	.	.	Brockton.
July 12,	Annie Bohring,*	.	.	.	Gracie L. Otis,	.	.	Scituate.
Sept. 27,	Myron L. Bryant,*	.	.	.	Myron L. Hartwell,	.	.	Bridgewater.

* Names changed by reason of adoption.

PLYMOUTH COUNTY - Concluded.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1875.			
Nov. 8,	Edward J. Maloy,*	Edward M. Thomas,	Middleborough.
8,	Frances R. Shaw,*	Frances E. Atwood,	Plymouth.
Dec. 18,	Nathan C. Freeman,*	Nathan F. Cook,	South Abington.
27,	Frederic B. Goldsborough,*	Albert Raymond,	Plymouth.

BARNSTABLE COUNTY.

Mar. 9,	Mary Ellen Wilson,	Mary Stuart Ellen Wilson,	Barnstable.
May 20,	Nehemiah Harding Fisher,	Irving Harrison Fisher,	Provincetown.
Aug. 10,	Emma Gage Crowell,	Emma Gordon Crowell,	Barnstable.

DUKES COUNTY.

June 7,	Josephine Anderson,	Josephine Sylva,	Edgartown.
July 9,	Samuel Smith Daggett Esau,	Samuel Smith Daggett,	Edgartown.

* Names changed by reason of adoption.

1877.

[1859, 154, 208 ; 1875, 196 ; 1876, 44.]

AN ACT to dissolve the Corporation of the Trustees of the Museum of Comparative Zoölogy. *Chap.* 4

Be it enacted, etc., as follows :

The corporation of the Trustees of the Museum of Comparative Zoölogy, created by chapter two hundred and eight of the acts of the year eighteen hundred and fifty-nine is hereby dissolved, subject to the provisions of sections thirty-six and thirty-seven of chapter sixty-eight of the General Statutes. *Corporation dissolved.*

Approved January 30, 1877.

[1846, 167 ; 1848, 33 ; 1849, 187 ; 1850, 316 ; 1851, 121 ; 1854, 353 ; 1858, 86 ; 1859, 184, 220 ; 1864, 271 ; 1865, 131 ; 1867, 343 ; 1869, 447 ; 1871, 186 ; 1872, 177 ; 1873, 287 ; 1875, 127, 168.]

AN ACT to amend Section Eleven of Chapter One Hundred and Sixty-seven of the Acts of the Year Eighteen Hundred and Forty-six, relating to supplying the City of Boston with Pure Water. *Chap.* 5

Be it enacted, etc., as follows :

SECTION 1. Section eleven of chapter one hundred and sixty-seven of the acts of the year eighteen hundred and forty-six is hereby amended by striking out the words "mayor, treasurer and auditor of the city, or the major part of them for the time being," and inserting instead thereof the words, "board of commissioners on the sinking funds for the payment or redemption of the city debt as constituted by ordinance of said city." *Amendment to 1846, 167, § 11.*

SECTION 2. This act shall take effect upon its passage.

Approved February 6, 1877.

[1880, 126 ; 1881, 129.]

AN ACT to extend the Time for organizing certain Railroad Corporations under Chapter Ninety-nine of the Acts of the Year Eighteen Hundred and Seventy-six. *Chap.* 6

Be it enacted, etc., as follows :

SECTION 1. The time within which any railroad corporation may be organized under chapter ninety-nine of *Time for organization extended.*

the acts of the year eighteen hundred and seventy-six, is hereby extended to the thirty-first day of December in the year eighteen hundred and seventy-seven.

SECTION 2. This act shall take effect upon its passage.

Approved February 8, 1877.

[1879, 40.]

[1876, 130.]

Chap. 7 AN ACT to amend Chapter One Hundred and Thirty of the Acts of the Year Eighteen Hundred and Seventy-six, entitled "An Act to supply the Town of Hingham with Pure Water."

Be it enacted, etc., as follows:

Amendment to
1876, 130, § 2.

Section two of chapter one hundred and thirty of the acts of the year eighteen hundred and seventy-six, is hereby amended by striking out the word "Scituate" and substituting therefor the words "South Scituate."

Approved February 12, 1877.

[Rejected Aug. 19, 1878.]

Chap. 8 AN ACT to incorporate the Veteran Association of the Independent Corps of Cadets.

Be it enacted, etc., as follows:

Corporators.

SECTION 1. Christopher C. Holmes, Charles R. Codman, John Jeffries, Charles Amory, Oliver W. Peabody, Jerre Abbott, William J. Dale, George P. Sanger, J. Harris Reed, Martin Brimmer, Samuel H. Russell, Francis Brooks, Charles F. Shimmin, Samuel Hammond, Henry L. Pierce, Joseph M. Churchill, Henry W. Williams, William S. Appleton, Arthur J. C. Sowdon, Otis E. Weld, Curtis B. Raymond, William C. Codman, Adin B. Underwood, John D. Parker, Jr., George P. Denny, Edward F. Daland, Lewis W. Tappan, Alpheus H. Hardy, Edward B. Richardson, Gershom C. Winsor, William S. Bond, George H. Quincy, George P. King, Charles E. Fuller, Edward F. Thayer, William B. Bird, William Putnam Kuhn, Horace Binney Sargent, Jr., Samuel C. Oliver, Hasket Derby, Charles E. Inches, Joseph A. Iasigi, being past members of the organization now called the first corps of cadets, Massachusetts volunteer militia, and commissioned officers of the forty-fifth regiment Massachusetts volunteer infantry, and such other persons as are or may hereafter become associated with them, are hereby constituted a body corporate by the name of the

Veteran Association of the Independent Corps of Cadets, having the privileges and subject to the duties and liabilities set forth in all general laws which now are or hereafter may be in force relating to corporations.

Powers and duties.

SECTION 2. The objects of this corporation shall be to preserve the traditions and customs of the above named corps; to promote its welfare, and to continue and foster its friendships and associations.

Objects of the corporation.

SECTION 3. The said corporation shall have power to adopt a constitution and by-laws, rules and regulations for the admission of members and their government, the election of officers and prescribing their duties, the suspending and expelling of members, and for the safe keeping of its property and funds, and from time to time to alter or repeal such constitution, by-laws, rules and regulations.

May adopt constitution and by-laws.

SECTION 4. The said corporation shall have power to hold property, real and personal, to an amount not exceeding twenty-five thousand dollars.

Real and personal property.

SECTION 5. Section one hundred and forty-nine of chapter three hundred and twenty of the acts of the year eighteen hundred and seventy-four is hereby amended by inserting after the word "Newburyport" the words "the veteran association of the independent corps of cadets of Boston."

Amendment to 1874, 320, § 149.

SECTION 6. This act shall take effect upon its passage.

Approved February 13, 1877.

[1879, 32.]

[1876, 135.]

AN ACT to authorize the Old Colony Railroad Company to purchase the Railroad of the South Shore Railroad Company.

Chap. 9

Be it enacted, etc., as follows:

SECTION 1. The Old Colony Railroad Company is authorized to purchase the rights, franchises and property of the South Shore Railroad Company; and the said South Shore Railroad Company is authorized to convey and assign to the said Old Colony Railroad Company its railroad, franchises and property, and all the rights, easements, privileges and powers granted to it; and the said Old Colony Railroad Company shall, upon such conveyance being made to it, have and enjoy all the rights, powers, privileges, easements, franchises and property of said South Shore Railroad Company, and be subject to all the duties, liabilities, obligations and restrictions to which

Old Colony Railroad Co. may purchase South Shore Railroad.

Proviso.

said last named corporation may be subject: *provided, however*, that such purchase or sale shall not be valid, unless agreed to by the directors of the first named corporation, and approved by three-fourths of the votes at a meeting of the stockholders of said last named corporation called for that purpose and by the board of railroad commissioners.

SECTION 2. This act shall take effect upon its passage.

Approved February 13, 1877.

[1878, 150 ; 1879, 140 ; 1880, 238, 245 ; 1881, 14.]

[1824, 44 ; 1837, 37 ; 1832, 50 ; 1837, 10 ; 1850, 65.]

Chap. 10 AN ACT to authorize the Hamilton Manufacturing Company of Lowell to increase its Capital Stock.

Be it enacted, etc., as follows :

Additional
capital stock.

SECTION 1. The Hamilton Manufacturing Company in the city of Lowell is hereby authorized to increase its capital stock to a sum not exceeding fifteen hundred thousand dollars, and to invest such portions thereof in real and personal estate as may be necessary and convenient for carrying on its business.

SECTION 2. This act shall take effect upon its passage.

Approved February 13, 1877.

[1881, 24.]

[1875, 202.]

Chap. 11 AN ACT to amend an Act to authorize the City of Boston to construct a Sewer in the Mystic Valley.

Be it enacted, etc., as follows :

Amendment to
1875, 202, § 1.

SECTION 1. Section one of chapter two hundred and two of the acts of the year eighteen hundred and seventy-five is hereby amended by striking out the words "and on the easterly side of the ponds and streams which discharge into said Mystic Pond." Section seven of said act is amended by striking out the words "to the northward and eastward of said system of sewers of the city of Boston, and."

SECTION 2. This act shall take effect upon its passage.

Approved February 16, 1877.

[1851, 292, 1867, 12.]

AN ACT in addition to an Act to incorporate the Proprietors of the Catholic Cemetery in Dorchester. *Chap. 12*

Be it enacted, etc., as follows :

SECTION 1. The corporation known by the name of the Catholic Cemetery Association in Dorchester, shall be hereafter known by the name of the Boston Catholic Cemetery Association. Name changed to Boston Catholic Cemetery Association.

SECTION 2. Said corporation may hold real and personal estate, for the purposes for which it was established, to the amount of one hundred thousand dollars, in addition to the amount that said corporation is now authorized by law to hold. Real and personal estate

SECTION 3. This act shall take effect upon its passage.

Approved February 16, 1877.

[Special Laws, vol. 1, p. 487.]

AN ACT in addition to an Act to incorporate the Massachusetts Historical Society. *Chap. 13*

Be it enacted, etc., as follows :

SECTION 1. The Massachusetts Historical Society is hereby authorized to hold real and personal estate, in addition to its library, to an amount of three hundred thousand dollars. Additional real and personal estate.

SECTION 2. This act shall take effect upon its passage.

Approved February 16, 1877.

[1870, 85; 1873, 57.]

AN ACT in relation to Wellesley College.

Chap. 14

Be it enacted, etc., as follows :

The corporation of Wellesley College is hereby authorized to grant such honorary testimonials, and confer such honors, degrees and diplomas as are granted or conferred by any university, college or seminary of learning in this Commonwealth; and the diplomas so granted shall entitle the possessors to the immunities and privileges allowed by usage or statute to the possessors of like diplomas from any university, college or seminary of learning in this Commonwealth: *provided, nevertheless*, that no such honors, degrees or diplomas shall be conferred except by the vote of a majority of the trustees of said corporation. May confer degrees and diplomas.

Proviso.

Approved February 16, 1877.

Chap. 15

AN ACT to incorporate the Boston Produce Exchange.

*Be it enacted, etc., as follows:***Corporators.**

SECTION 1. Freeman J. Doe, Salmon P. Hibbard, Morris B. Boynton, David Ellis, Reuben P. Benton, their associates and successors, are hereby made a corporation by the name of the Boston Produce Exchange, for the purpose of promoting and increasing the facilities for trade in produce in the city of Boston and its vicinity; with all the powers and privileges, and subject to all the duties and liabilities set forth in all general laws which now are or hereafter may be in force concerning such corporations: *provided*, that nothing in this act contained shall be construed to authorize said corporation to traffic in goods, wares or merchandise of any description.

Powers and duties.**Proviso.****Real and personal estate.**

SECTION 2. Said corporation may hold real and personal estate to an amount not exceeding one hundred thousand dollars to be devoted exclusively to the purposes of said corporation.

SECTION 3. This act shall take effect upon its passage.

Approved February 16, 1877.

[Special Laws, vol. 2, p. 504; vol. 3, p. 398; 1823, 97; 1848, 187; 1852, 48.]

Chap. 16

AN ACT to regulate the Fisheries in Lake Quannapowitt and in Saugus River and its Tributaries.

*Be it enacted, etc., as follows:***Fisheries regulated.**

SECTION 1. No person shall fish with a net or seine in Lake Quannapowitt, or in Saugus River or its tributary streams in the counties of Middlesex and Essex, other than the one running from Flax Pond in the city of Lynn, nor in any manner take or catch any shad, salmon or alewives in said waters until the first day of January in the year eighteen hundred and eighty-two, under the penalty of fifty cents for each alewife, one dollar for each shad, and ten dollars for each salmon so taken: *provided*, that the several fish committees of the towns of Wakefield and Saugus, or such person or persons as may be authorized by them, may take such fish as may be required to re-stock said river and its tributaries.

Proviso.**Fish committees may remove and destroy weirs, etc.**

SECTION 2. The several fish committees of the towns of Wakefield and Saugus, or any member or members of said committees, may remove any and all nets, seines, weirs or other fishing apparatus, used in violation of the provisions of this act.

SECTION 3. Any person who shall place or cause to be placed in the waters of Lake Quannapowitt, or of the Saugus River or any of its tributaries, not herein exempted, or who shall cause to flow into said waters any substance whereby the fish therein may be destroyed or injured, or their passage hindered or obstructed, shall be punished by a fine not exceeding fifty dollars for each offence.

Penalties.

SECTION 4. This act shall take effect upon its passage.

Approved February 16, 1877.

[1871, 210.]

AN ACT to change the Name of the Amesbury Savings Bank.

Chap. 19

Be it enacted, etc., as follows:

SECTION 1. The Amesbury Savings Bank shall be called and known as the Merrimac Savings Bank.

Name changed to Merrimac Savings Bank.

SECTION 2. This act shall take effect upon its passage.

Approved February 21, 1877.

AN ACT to authorize the Potomska Mills Corporation to increase its Capital Stock and to issue Special Stock.

Chap. 20

Be it enacted, etc., as follows:

SECTION 1. The Potomska Mills Corporation is hereby authorized to increase its capital stock by adding thereto a sum not exceeding nine hundred thousand dollars, and to invest such portion thereof in real and personal estate as may be necessary and convenient for the purposes for which it has been incorporated: *provided*, that no shares in the capital stock hereby authorized shall be issued for a less sum to be actually paid in on each, than the par value of the shares in the original capital stock of said corporation.

May increase capital stock

Proviso.

SECTION 2. Said corporation, by a vote of three-fourths in value of the stockholders present and voting at any meeting duly called for the purpose, within one year from the passage of this act, may issue special stock to such an amount and upon such terms and conditions, except as hereinafter specified, as may be determined by said vote: *provided*, that the whole capital stock of said corporation including said special stock shall not exceed fifteen hundred thousand dollars. Said special stock shall be entitled to a preference over the general stock in the payment of dividends from the earnings of said corporation: *provided*, that no dividend to said preferred stock shall exceed six

May issue special stock.

Proviso.

Special stock
convertible into
general stock.

per cent. annually upon the par value thereof. Said stock shall be convertible into general stock, at the option of the holder, upon notice to the treasurer.

SECTION 3. This act shall take effect upon its passage.

Approved February 21, 1877.

[1855, 170.]

Chap. 21 AN ACT to amend An Act to incorporate the Boston and Worcester Railroad Mutual Benefit Association.

Be it enacted, etc., as follows :

Amendment to
1855, 170.

SECTION 1. Chapter one hundred and seventy of the acts of the year eighteen hundred and fifty-five is hereby amended so that the association incorporated by said act may hold its meetings at any station on the line of the Boston and Albany Railroad Company within this state.

SECTION 2. This act shall take effect upon its passage.

Approved February 21, 1877.

[1829, 123.]

Chap. 22 AN ACT in addition to an Act to incorporate the Proprietors of the Cattle Fair Hotel in the Town of Brighton.

Be it enacted, etc., as follows :

May be dis-
continued as
a public house.

SECTION 1. The corporation known as the Cattle Fair Hotel is hereby authorized, from time to time, to discontinue the use as a public house of the hotel building owned by it, and the use of the outbuildings, pens and other structures in its act of incorporation named, for the purposes therein specified; and said corporation is further authorized to sell and convey or in any manner dispose of or use the property, both real and personal, held by it, as said corporation may from time to time determine.

May sell
property.

SECTION 2. This act shall take effect upon its passage.

Approved February 21, 1877.

[1857, 18 ; 1870, 207 ; 1872, 87 ; 1873, 268 ; 1875, 159 ; 1876, 24.]

Chap. 23 AN ACT to establish the Board of Overseers of the Poor in the City of Chelsea.

Be it enacted, etc., as follows :

Overseers of
the poor to be
elected for one,
two and three
years.

SECTION 1. In the month of December in the present year, the city council of the city of Chelsea, by concurrent vote, shall elect three persons to serve as members of the board of overseers of the poor, for one, two and three

years, respectively, and annually thereafter in the month of December, said city council shall elect in the same manner one person to serve as a member of said board for three years; and the persons so elected shall begin their respective terms of service on the first Monday of January next after their election.

SECTION 2. The said city council may at any time, for cause, remove any member of said board and shall fill any vacancy therein by election in the manner hereinbefore provided, as soon as may be after the occurrence of such vacancy; and the person elected to fill a vacancy shall serve during the remainder of the term for which his predecessor was elected.

May be removed from office by the city council.

SECTION 3. On the first Monday of January in each year, said board shall meet and organize by the choice of a chairman from their own number, and a clerk not of their own number, and such other subordinate officers not of their own number as they shall deem expedient, and shall define the duties, and fix the salaries to be paid out of the city treasury, of the clerk and other subordinate officers; but no member of said board shall receive any compensation whatever.

Organization of board.

SECTION 4. So much of section five of chapter eighteen of the acts of the year eighteen hundred and fifty-seven, entitled "An Act to establish the city of Chelsea," as relates to overseers of the poor, and all acts and parts of acts inconsistent herewith are hereby repealed.

Repeal. 1857, 18, § 5.

SECTION 5. This act shall take effect upon its acceptance by the city council of the city of Chelsea, by concurrent vote: *provided*, the same shall be accepted within six months from the date of its passage.

Subject to acceptance by city council.

Approved February 21, 1877.

[Accepted April 3, 1877.] [1879, 166; 1881, 200.]

AN ACT to confirm certain Acts of the Town of Methuen.

Chap. 25

Be it enacted, etc., as follows:

SECTION 1. The action of the town of Methuen, at a meeting thereof held on the third day of July and by adjournment on the seventeenth day of July in the year eighteen hundred and seventy-six, in voting to appropriate the sum of one thousand dollars for the purpose of defraying the expense of the celebration of the one hundred and fiftieth anniversary of its incorporation as a town, and the one hundredth anniversary of the national existence on the

Action of the town confirmed.

seventh day of September in the year eighteen hundred and seventy-six, is hereby authorized, ratified and made valid ; and the said town is hereby authorized to raise the said sum by taxation for the purpose aforesaid.

May raise money by taxation.

SECTION 2. This act shall take effect upon its passage.

Approved February 21, 1877.

Chap. 26 AN ACT to preserve the Eel Fisheries in Musquashuit Creek and its Tributaries in the Towns of Scituate and Cohasset.

Be it enacted, etc., as follows :

Eel fisheries regulated.

SECTION 1. Whoever takes, catches or destroys any eels in Musquashuit Creek or its tributaries, in the towns of Scituate and Cohasset, in the counties of Plymouth and Norfolk, in any other manner than by spear, or hook and line, shall forfeit for every eel so taken, not less than one dollar nor more than five dollars, one-half of said fine to be paid to the complainant.

Penalty for obstructing free passage of eels.

SECTION 2. Whoever wilfully places any obstruction, or otherwise interferes with the free passage of eels in said creek or tributaries, shall forfeit a sum not less than fifty nor more than one hundred dollars for each offence.

Recovery of fines.

SECTION 3. All fines or penalties for violating this act, with costs, may be recovered in any court competent to try the same.

SECTION 4. This act shall take effect upon its passage.

Approved February 21, 1877.

[1857, 135; 1868, 182; 1874, 176.]

Chap. 34 AN ACT to amend Chapter One Hundred and Seventy-six of the Acts of the Year Eighteen Hundred and Seventy-four, relative to the Charter of the Jamaica Pond Aqueduct Corporation.

Be it enacted, etc., as follows :

Amendment to 1874, 176, § 2.

The second section of chapter one hundred and seventy-six of the acts of the year eighteen hundred and seventy-four is hereby amended by inserting after the words "bathes or," and before the words "fishes therein," the words, "between the first day of December in any year and the first day of April in the following year."

Approved March 1, 1877.

[1846, 109; 1851, 99; 1853, 155; 1856, 112; 1857, 75; 1860, 103; 1863, 191; 1865, 153; 1867, 68; 1869, 336; 1873, 337, 345.]

AN ACT concerning the Overseers of the Poor of the City of Cambridge. *Chap. 41*

Be it enacted, etc., as follows:

SECTION 1. The city council of the city of Cambridge shall, in the month of April in the current year, in joint convention, elect by ballot five persons, one at least from among the residents of each of the present representative districts of said city, to be overseers of the poor in said city, one person for one year, one person for two years, one person for three years, one person for four years and one person for five years; and said council shall annually thereafter, in the month of April in like manner, elect one person to serve for five years. These persons so chosen shall, together with the mayor, who shall *ex officio* be chairman of the board, constitute the board of overseers of the poor in said city of Cambridge.

Overseers of the poor in city of Cambridge.

SECTION 2. The members of said board shall enter upon their duties on the first Monday of May, next after their election, and hold office until others are elected and qualified in their stead; vacancies from any cause shall forthwith be filled by the city council in the same manner, and the person elected to fill any vacancy shall hold office during the unexpired term of the member who has ceased to hold office and until another is chosen and qualified in his stead.

To hold office until others are elected and qualified.

Vacancies.

SECTION 3. Said board shall annually on the first Monday of May meet and organize and shall choose such subordinate officers and agents as they may deem expedient, and define their duties and fix their salaries, but no member of the board shall be eligible to be chosen by said board to any position of emolument.

Organization.

SECTION 4. Said overseers shall render such accounts and reports of their expenditures, acts and doings as may be required by the city council.

To render account of expenditures.

SECTION 5. The present overseers of the poor in the city of Cambridge shall hold office until others are elected and qualified under the provisions of this act and no longer.

Present overseers to hold office until others are elected.

SECTION 6. All acts and parts of acts inconsistent with this act are hereby repealed.

Repeal.

SECTION 7. This act shall take effect upon its acceptance by the city council of the city of Cambridge, by concurrent vote: *provided*, the same shall be accepted within sixty days from the date of its passage.

Subject to acceptance by city council.

Approved March 10, 1877.

[Accepted March 14, 1877.]

[1878, 102; 1879, 190.]

Chap. 42 AN ACT to preserve the Eel Fisheries in Herring River and its Tributaries in the Town of Wellfleet.

Be it enacted, etc., as follows :

Eels not to be taken other than by spear or hook and line.

SECTION 1. Whoever takes, catches or destroys any eels in Herring River or its tributaries in the town of Wellfleet, in the county of Barnstable, in any other manner than by spear or hook and line, shall forfeit for every eel so taken not less than one dollar, nor more than five dollars ; one-half of said fine to be paid to the complainant.

Penalty for obstructing free passage of eels.

SECTION 2. Whoever wilfully places any obstruction or otherwise interferes with the free passage of eels in said river or its tributaries shall forfeit a sum not less than fifty nor more than one hundred dollars for each offence.

Recovery of fines and penalties.

SECTION 3. All fines or penalties for violating this act, with costs, may be recovered in any court competent to try the same.

SECTION 4. This act shall take effect upon its passage.

Approved March 10, 1877.

[1868, 80; 1869, 389; 1872, 132.]

Chap. 43 AN ACT in relation to the Rebuilding, Repairing and Maintaining of Dikes and Works connected therewith, in the Town of West Springfield.

Be it enacted, etc., as follows :

Expenses of changing course of river to be borne by West Springfield. 1872, 132.

SECTION 1. All the costs and expenses incurred in changing the course and channel of the Agawam River, and all other expenses incurred under the authority of chapter one hundred and thirty-two of the acts of the year eighteen hundred and seventy-two, shall be paid and borne by the town of West Springfield.

Expense of maintaining channel to be borne by West Springfield. 1868, 80.

SECTION 2. The expense of maintaining the said channel and other works or structures now built or erected, or which may be hereafter built or erected by the authority of said act of the year eighteen hundred and seventy-two, together with the expense of rebuilding, repairing and maintaining the dikes in said town of West Springfield, erected by authority of chapter eighty of the acts of the year eighteen hundred and sixty-eight, shall hereafter be borne and paid by said town of West Springfield.

Repeal. 1868, 80. 1872, 132.

SECTION 3. So much of chapter eighty of the acts of the year eighteen hundred and sixty-eight, and of chapter one hundred and thirty-two of the acts of the year eighteen hundred and seventy-two as is inconsistent herewith, and

all other acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 4. This act shall take effect upon its passage.

Approved March 10, 1877.

[1880, 52.]

[1872, 112.]

AN ACT to extend the Time for the Construction of a Bridge over the East Branch of Westport River. Chap. 44

Be it enacted, etc., as follows:

SECTION 1. The powers granted by chapter one hundred and twelve of the acts of the year eighteen hundred and seventy-two are hereby continued for a period of five years from and after the eighteenth day of March in the year eighteen hundred and seventy-seven.

Time for construction of bridge extended. 1872, 112.

SECTION 2. This act shall take effect upon its passage.

Approved March 10, 1877.

AN ACT to authorize the Discontinuance of the "Old Village Burying-Ground" in the Town of West Stockbridge, and the Taking of the Land of said Burying-Ground for School Purposes. Chap. 45

Be it enacted, etc., as follows:

SECTION 1. The inhabitants of school district number six, in the town of West Stockbridge in the county of Berkshire, are hereby authorized, at the expense of said school district, and under the direction of the building committee of said school district, and with the consent of the selectmen of said town, to remove the remains of the dead and the monuments and tombstones now remaining in the "Old Village Burying-Ground," so called, situate in the village of West Stockbridge and bounded as follows, to wit:—northerly by land held by the deacons of the Congregational Church of said village and known as "the parsonage lot," east by the highway known as State Street, south by land of George W. Kniffin, and west by the school-house lot of said school district, to the public cemetery of said town known as the "Village Cemetery," or to such of the other public cemeteries of said town as may be designated in any case by the relatives of any person whose remains are to be removed; or said relatives may re-inter such remains in any other place, and said school district shall cause the remains removed to any of the public cemeteries of said town to be decently re-interred, and the monuments and tombstones to be properly set up anew.

Land of burying ground in West Stockbridge may be taken for school purposes.

When remains
of dead, etc., are
removed, land
may be taken.

Description of
land to be filed
in office of reg-
ister of deeds.

Damages to be
assessed by
selectmen.

SECTION 2. When the remains, monuments and tombstones have been removed from said burying-ground as provided in the preceding section, the use of said ground as a burying-ground shall be discontinued, and said school district may take the land thereof for the use and purpose of enlarging their present school-house lot. Said school district shall cause a certificate containing a description of said land sufficient for identification, with a reference to this act, to be filed and recorded in the office of the register of deeds of the southern district of said county, on or before the first day of June next, which certificate may be signed by the building committee and treasurer of said school district, and thereupon the title to the land described in said certificate shall become vested in said school district.

SECTION 3. If damage is sustained by any person in his property by reason of anything done under the provisions of the first and second sections of this act, he shall receive compensation therefor, from said school district, to be ascertained and appraised by the selectmen of said town in the manner provided for appraising damages caused by laying out town ways, and any person aggrieved by the award of said selectmen shall have the same remedy as is provided by section thirty-nine of chapter thirty-eight of the General Statutes, and according to the course of proceeding provided thereby.

SECTION 4. This act shall take effect upon its passage.

Approved March 10, 1877.

Chap. 46 AN ACT to confirm certain Acts done by Charles G. Dillingham as Coroner.

Be it enacted, etc., as follows :

Acts done by
Chas. C. Dilling-
ham, as coroner,
confirmed.

SECTION 1. All acts done by Charles C. Dillingham of Fall River, as coroner within and for the county of Bristol, between the seventeenth day of July and the twenty-third day of August in the year eighteen hundred and seventy-six, are hereby confirmed and made valid to the same extent as they would have been valid had he been duly qualified to discharge the duties of said office during said interval.

SECTION 2. This act shall take effect upon its passage.

Approved March 10, 1877.

[1851, 7; 1856, 77; 1869, 396.]

AN ACT to amend an Act entitled "An Act to incorporate the Trustees of the Punchard Free School in the Town of Andover." *Chap. 47*

Be it enacted, etc., as follows :

SECTION 1. The third section of the act to incorporate the trustees of the Punchard Free School in the town of Andover, approved on the twenty-sixth day of February in the year one thousand eight hundred and fifty-one, is hereby so amended that the election of trustees by said town shall be held at the annual meeting for the election of town officers in said town once in three years, instead of on the first Monday of April once in three years, as therein provided.

Trustees to be elected at annual meeting for election of town officers.

SECTION 2. The next regular election of said trustees shall be held at the annual meeting for the election of town officers on the first Monday of March next.

Next election of trustees to be held on first Monday of March, 1878.

SECTION 3. This act shall take effect upon its passage.

Approved March 10, 1877.

AN ACT to change the Name of the East Abington Baptist Society. *Chap. 48*

Be it enacted, etc., as follows :

SECTION 1. The East Abington Baptist Society shall be called and known as the Rockland Baptist Society.

Name changed.

SECTION 2. This act shall take effect upon its passage.

Approved March 10, 1877.

[1849, 17; 1856, 8; 1867, 61; 1872, 63.]

AN ACT to amend the Charter of the Lawrence Gas Company. *Chap. 49*

Be it enacted, etc., as follows :

SECTION 1. The act to incorporate the Lawrence Gas Company, chapter seventeen of the acts of the year eighteen hundred and forty-nine, is hereby amended as follows :

Lawrence Gas Company may extend pipes through towns of Andover, North Andover and Methuen.

Said Lawrence Gas Company in addition to the rights now possessed by it shall have the right to extend its mains and distributing pipes into and through the towns of Andover, North Andover and Methuen in the county of Essex, and to construct, erect and maintain such buildings and works in said towns as may be necessary and convenient for the manufacture, supply and delivery of illuminating gas to the inhabitants of said towns, subject to all the duties, restrictions and liabilities of the act of incorporation of said company.

SECTION 2. Said corporation with the consent of the *May open*

ground in
streets, etc.,
with consent
of selectmen.

selectmen of the said several towns shall have power and authority to open the ground in any part of the streets, lanes and highways in said towns for the purpose of sinking and repairing such pipes and conductors as it may be necessary to sink for the purposes aforesaid, and the said corporation after opening the ground in said streets, lanes and highways shall be held to put the same in as good repair as when opened, and upon failure to do so within a reasonable time shall be deemed guilty of a nuisance.

Selectmen of
towns to have
control of cor-
poration in lay-
ing pipes, etc.

SECTION 3. The selectmen of the said several towns shall have the power to regulate and control the acts of said corporation in the matter of laying and repairing the pipes in said streets, lanes and highways, so that such acts shall not endanger the health or safety of the inhabitants of said towns.

Approved March 10, 1877.

[S. C., 1833, 17; 1850, 208; 1872, 223; S. B., 1853, 344; 1872, 208; 1875, 125.]

Chap. 50

AN ACT to incorporate the South Bay Improvement Company and to provide for the merging of the South Cove Corporation and the South Bay Company in said first named Corporation.

Be it enacted, etc., as follows:

Corporators.

SECTION 1. George W. Tuxbury, Uriel Crocker, B. W. Nichols, A. D. Williams, Charles Deane and Uriel H. Crocker, their associates and successors, are made a corporation by the name of the South Bay Improvement Company, with power to purchase, hold, improve and sell, mortgage, or lease land and flats in and near the "South Bay," so called, in the city of Boston, to an amount not exceeding one hundred and fifty acres.

May sell land,
etc.

Powers and
duties.

SECTION 2. Said corporation shall have all the powers and privileges and be subject to all the duties, liabilities and restrictions which like corporations now have or are subject to, or which they may hereafter have or be subject to under general laws.

Capital stock
and shares.

SECTION 3. The capital stock of said corporation shall not exceed one million of dollars, and no shares shall be issued except upon the actual payment of the par value thereof in cash, or upon the conveyance in fee to said corporation of lands or flats which it is entitled to hold under the first section: *provided, however,* that the average price at which lands and flats shall have been taken by said corporation in payment for its stock shall at no time exceed twenty-five cents per square foot.

Proviso.

South Cove

SECTION 4. The South Cove Corporation and the South

Bay Company are respectively authorized, upon votes of their stockholders to that effect passed at meetings duly notified for the purpose, to convey any portion or the whole of their lands and flats lying in or near the said South Bay, to said South Bay Improvement Company, and to receive in payment therefor stock in said last named company, subject however to the provisions contained in the preceding section.

Corporation and South Bay Company may sell lands and flats to new corporation.

Approved March 10, 1877.

[1876, 164.]

AN ACT to extend the Time for locating and constructing the Massachusetts Central Railroad.

Chap. 51

Be it enacted, etc., as follows :

The time within which the Massachusetts Central Railroad Company may locate and construct its railroad is hereby extended to the first day of May in the year one thousand eight hundred and seventy-nine.

Time for location and construction extended.

Approved March 10, 1877.

AN ACT to amend the Charter of the Cotton and Woolen Manufacturers Mutual Insurance Company of New England.

Chap. 52

Be it enacted, etc., as follows :

SECTION 1. The Cotton and Woolen Manufacturers Mutual Insurance Company of New England is authorized to issue policies of insurance against loss or damage by fire upon other kinds of property, real and personal, in addition to the class named in the charter of said corporation.

May issue policies upon property other than that named in charter.

SECTION 2. This act shall take effect upon its acceptance by a majority of the members present and voting at a meeting of said corporation legally called for such purpose.

Subject to acceptance by members of corporation.

Approved March 10, 1877.

AN ACT to incorporate the Boston School Committee.

Chap. 53

Be it enacted, etc., as follows :

SECTION 1. The school committee of the city of Boston for the time being, is hereby made a corporation by the name of The School Committee of the City of Boston, and said committee and its successors in office elected according to law in said city shall continue a body corporate for the purposes hereinafter set forth, with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in all general laws which now

School committee of the city of Boston incorporated.

are or may hereafter be in force relating to such corporations.

Real and personal estate.

SECTION 2. Said corporation shall have authority to receive and hold all sums of money, and real and personal estate not exceeding in the aggregate the value of two hundred thousand dollars, which money may be given, granted, bequeathed or devised to it for the benefit of the teachers in the public schools of the city of Boston, or their families, requiring charitable assistance, or for the benefit of any persons or the families of any persons who have formerly been such teachers, requiring charitable assistance. It shall have power to manage and dispose of the same according to its best discretion and to execute any and all trusts according to the tenor thereof which may be created for the purposes aforesaid.

Charlestown School Trust Fund.

SECTION 3. Said corporation shall likewise be entitled to receive from the members of the school committee within the present limits of that part of the city of Boston which was formerly the city of Charlestown, the fund known as the Charlestown School Trust Fund, and shall hereafter manage said fund and disburse the income thereof within the limits of the former city of Charlestown according to the tenor of the instruments creating said trust.

Approved March 13, 1877.

Chap. 54 AN ACT to confirm certain Acts done by Edward G. Frothingham as a Justice of the Peace.

Be it enacted, etc., as follows:

Acts confirmed and made valid.

SECTION 1. All acts done by Edward G. Frothingham, as a justice of the peace, within and for the county of Essex, between the sixteenth day of May eighteen hundred and seventy-four and the twentieth day of October eighteen hundred and seventy-six, are made valid and confirmed to the same extent as though he had been during that time qualified to discharge the duties of said office.

SECTION 2. This act shall take effect upon its passage.

Approved March 16, 1877.

Chap. 55 AN ACT to incorporate the Adams Nervine Asylum.

Be it enacted, etc., as follows:

Corporators.

SECTION 1. John N. Barbour, James C. Davis, Aquila Adams, Emory Washburn, Alpheus Hardy, Samuel Eliot, Charles H. Dalton, James B. Thayer, William Claffin,

John E. Tyler, Amor L. Hollingsworth, James Longley Samuel A. Green, Robert Willard, Caleb William Loring, Samuel D. Warren, Rufus Ellis, Joseph Burnett, Solomon B. Stebbins, Charles F. Choate, their associates and successors, are hereby made a corporation by the name of the Adams Nervine Asylum, for the purpose of establishing and maintaining a hospital to afford care and relief to indigent, debilitated and nervous persons, inhabitants of this Commonwealth, who are not insane and who may be in need of the benefit of a curative institution; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force and applicable to such corporations.

Name and
purpose.

SECTION 2. Said corporation shall have authority to receive, hold and disburse the income of the fund bequeathed for the purposes for which the said corporation is created, by the will of Seth Adams, late of Newton, deceased, and any other donations or bequests which may be made for its benefit, and may hold for the purposes aforesaid real and personal estate to an amount not exceeding three hundred thousand dollars.

May hold fund
bequeathed for
the purpose, etc.

SECTION 3. The members of said corporation shall consist of the trustees under the residuary clause of the will of the said Seth Adams, and their successors, and the persons associated with them in this act of incorporation, of such persons as may at any legal meeting of the corporation be elected members by ballot, of such persons as shall, with the consent of the board of managers hereinafter referred to first obtained, pay to the said trustees as an addition to the fund held by them for the use of the corporation, the sum of one hundred dollars or more each, and also of such persons as shall, with the consent of the said board of managers first obtained, pay into the said fund the sum of twenty-five dollars each, as an initiation fee, and shall thereafter pay and continue to pay into said fund annually in advance the sum of three dollars each; the said last mentioned persons to be members while they shall continue the said annual payment and no longer.

Members of
corporation.

SECTION 4. The officers of said corporation shall consist of the trustees under the will of the said Seth Adams, and their successors, a president, a vice-president, a treasurer, a secretary, a physician, a board of not less than nine

Officers of
corporation.

Annual report. managers, of which the president, vice-president, treasurer and trustees shall be members, and three supervisors, who shall examine the affairs of said corporation as often as once in three months, and report the general result of such examination annually in two of the leading newspapers of Boston. All the said officers except the said trustees, shall be annually elected by ballot at meetings duly called for the purpose, and whenever a trustee shall die, resign, or become incompetent to discharge the duties of his trust, a successor shall be elected by ballot at a meeting of the corporation duly called for the purpose; but no person so elected shall have power or authority to act as a trustee until approved as such by the judge of probate for the county of Middlesex.

Institution to be established in Boston or vicinity.

SECTION 5. The said institution shall be established in one of the parts of Boston formerly called Roxbury, West Roxbury and Brighton, in Brookline, in Newton or in Watertown, and shall be conducted and managed in accordance with the provisions of the will of the said Seth Adams, and with such by-laws as may be adopted by the corporation, not inconsistent therewith.

May receive and care for, for a compensation, persons who are not indigent.

SECTION 6. The said corporation shall have authority to receive and care for persons not indigent, who may be otherwise suitable for treatment in its institution, at the discretion of its board of managers, but shall require the payment to the corporation by such persons of reasonable compensation therefor, the amount of which shall be determined by the managers.

SECTION 7. This act shall take effect upon its passage.

Approved March 16, 1877.

[1870, 365; 1870, 144.]

Chap. 56 AN ACT to amend Chapter One Hundred and Forty-four of the Acts of the Year Eighteen Hundred and Seventy-six, relating to the Butchers' Slaughtering and Melting Association.

Be it enacted, etc., as follows:

Amendment to 1876, 144.

Section two of chapter one hundred and forty-four of the acts of the year eighteen hundred and seventy-six is hereby amended by adding thereto the following words:— And whoever violates the provisions of this section shall be punished by a fine not exceeding five hundred dollars.

Approved March 16, 1877.

[1878, 99.]

[1867, 210, 268.]

AN ACT to change certain Harbor Lines in Cape Cod Harbor in Provincetown. *Chap. 59*

Be it enacted, etc., as follows :

SECTION 1. Section two of chapter two hundred and sixty-eight of the acts of the year eighteen hundred and sixty-seven which defines the harbor lines in Cape Cod Harbor is hereby repealed, and in place of those lines the following harbor lines are established.

Harbor lines
established.

SECTION 2. The harbor line begins at a point in said Cape Cod Harbor distant seven hundred and ten feet due north from the centre of Long Point light-house, and runs south-westerly in a straight line five hundred and fifty feet to a point distant four hundred feet north-westerly from the centre of said light-house; thence south-westerly on an arc of a circle of two thousand five hundred and forty-five feet radius, a distance of nine hundred and eighty-five feet; thence south-westerly a little more westerly in a straight line one thousand two hundred and thirty-five feet to a point distant nine hundred and ninety feet north-westerly from monument A; thence south-westerly, westerly and north-westerly on an arc of a circle of one thousand one hundred and forty feet radius, a distance of one thousand four hundred and forty feet; thence north-westerly, northerly and north-easterly on an arc of a circle of three thousand seven hundred and seventy-five feet radius, a distance of five thousand three hundred and eighty feet to a point in the range from Long Point light-house to monument B, near the southerly side of Main Street and the head of Central Wharf and distant two thousand one hundred and fifty-eight feet south-easterly therefrom; thence north-easterly and easterly on an arc of a circle of nine thousand nine hundred and thirty-three feet radius, a distance of ten thousand one hundred and seventy-five feet to a point in the range from Long Point light-house to monument C, near the north-westerly end of the old highway bridge crossing East Harbor, and distant south-westerly three thousand four hundred and sixty-five feet therefrom.

Description
of lines.

The above-mentioned monuments, marked respectively A, B, C, are granite posts and have the letters H. L. inscribed thereon.

Approved March 16, 1877.

[1838, 20.]

- Chap. 62** AN ACT to authorize the Proprietors of the Hingham Cemetery to take and hold additional Real and Personal Estate.

Be it enacted, etc., as follows :

May hold
additional
real and per-
sonal estate.

SECTION 1. The proprietors of the Hingham Cemetery, incorporated by chapter twenty of the acts of the year one thousand eight hundred and thirty-eight, are hereby authorized to take and hold for the purposes for which they were incorporated real estate including what they are now authorized to hold to an amount not exceeding twenty acres, and personal estate to an amount not exceeding twenty-five thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved March 19, 1877.

[1871, 157.]

- Chap. 63** AN ACT to authorize the Plymouth Society in Framingham to hold Real Estate for the purposes of a Parsonage.

Be it enacted, etc., as follows :

May hold real
estate for a par-
sonage.

SECTION 1. The Plymouth Society in Framingham is hereby authorized to hold real estate in Framingham for the purposes of a parsonage to an amount not exceeding fifteen thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved March 19, 1877.

[1867, 290 ; 1871, 371.]

- Chap. 64** AN ACT to extend the Time for settling and closing up the Business Affairs of the Central Mutual Fire Insurance Company of Worcester.

Be it enacted, etc., as follows :

Time extended
for closing busi-
ness affairs.

SECTION 1. The time for settling and closing up the business affairs of the Central Mutual Fire Insurance Company of Worcester is hereby extended until the first day of June in the year one thousand eight hundred and seventy-eight.

SECTION 2. This act shall take effect upon its passage.

Approved March 19, 1877.

[1872, 338.]

- Chap. 65** AN ACT to repeal Section Three of Chapter Three Hundred Thirty-eight of the Acts of the Year Eighteen Hundred Seventy-two incorporating the Standish Monument Association.

Be it enacted, etc., as follows :

Repeal of
1872, 338, § 3.

Section three of chapter three hundred thirty-eight of the acts of the year eighteen hundred seventy-two, is hereby repealed.

Approved March 19, 1877.

AN ACT concerning the Taking of Eels in certain Waters in the Town of Mattapoisett. *Chap. 66*

Be it enacted, etc., as follows :

SECTION 1. Whoever takes, catches or destroys any eels in Mattapoisett River or its tributaries, in the town of Mattapoisett in the county of Plymouth, from the bridge at Town Mills to Mattapoisett Harbor, or in Barlow's Pond or its tributaries, in said town, or in its outlet to the harbor, in any other manner than by spear or hook and line, shall forfeit for every eel so taken not less than one dollar nor more than five dollars ; one-half of said fine to be paid to the complainant. Eel fisheries in Mattapoisett River.

SECTION 2. All fines or penalties for violating this act, with costs, may be recovered in any court competent to try the same. Penalties.

SECTION 3. This act shall take effect upon its passage.

Approved March 19, 1877.

[1875, 217.]

AN ACT to authorize the City of Taunton to issue additional Water Scrip, and to limit the Amount thereof. *Chap. 70*

Be it enacted, etc., as follows :

SECTION 1. The city of Taunton, for purposes mentioned in the fifth section of chapter two hundred and seventeen of the acts of the year one thousand eight hundred and seventy-five, may issue notes, scrip or certificates of debt, to be denominated on the face thereof "Taunton Water Loan," to an amount not exceeding fifty thousand dollars in addition to the amount authorized by said chapter, to be issued upon like terms and conditions and with like powers in all respects as are provided in said chapter two hundred and seventeen for the issue of bonds of said city : *provided*, that the whole amount of such water scrip, bonds, notes, or certificates issued by said city under the authority given by this act and by all other acts shall not in any event exceed the amount of two hundred and fifty thousand dollars. May issue additional water scrip.

SECTION 2. This act shall take effect upon its passage.

Approved March 26, 1877.

[1878, 31, 140 ; 1880, 74.]

Not to exceed, in the whole, \$250,000.

[1839, 83.]

Chap. 71 AN ACT to authorize the Stoughton Street Baptist Church in Boston to mortgage its Property; and to confirm the Doings of the North Baptist Society in Dorchester.

Be it enacted, etc., as follows :

May mortgage
church property
and pay assess-
ments thereon.

Provision.

Proceedings
confirmed.

SECTION 1. The Stoughton Street Baptist Church in Boston is hereby authorized to direct the trustees for the time being holding the property occupied and used by the aforesaid church, to mortgage said property for any purposes whatever incident to the support and maintenance of public worship by said church, and to pay any assessments which have heretofore been made, or may hereafter be made by the city of Boston for any public improvements benefiting said property : *provided, however*, that the vote directing said mortgage to be made shall be given only by those persons authorized in the deed of the North Baptist Society in Dorchester to the trustees therein named, which deed is recorded with Suffolk county deeds in Boston, book one thousand and sixty-six, page two hundred and ninety-seven ; and *provided, further*, that any mortgage or mortgages authorized as aforesaid shall not be for a larger amount than that allowed by the aforesaid deed.

SECTION 2. All proceedings of the aforesaid North Baptist Society in Dorchester, at or by authority of all its meetings held from March fifth in the year eighteen hundred and fifty-nine to June sixth in the year eighteen hundred and seventy, as now recorded in the records of said society, are hereby ratified, fully established and confirmed, as the legal acts, doings and records of said society, any defects or informalities therein to the contrary notwithstanding.

SECTION 3. This act shall take effect upon its passage.

Approved March 26, 1877.

Chap. 72 AN ACT to authorize the City of Taunton to construct a Bridge across Taunton Great River.

Be it enacted, etc., as follows :

May construct a
bridge across
Taunton Great
River.

SECTION 1. The city of Taunton is hereby authorized to construct and maintain a safe and convenient bridge across Taunton Great River, from a point at or near Dean's Wharf, situated on Dean Street in said city, to a point opposite or nearly opposite on the south bank of said river. And the said city of Taunton is further authorized to do such other acts as it may deem necessary, expedient or

convenient in the premises, to secure a bridge which shall safely and conveniently accommodate public travel and navigation: subject, however, to the provisions of chapter four hundred and thirty-two of the acts of the year one thousand eight hundred and sixty-nine.

SECTION 2. Said city may take such land, wharf or structure, as it may deem necessary to secure and accomplish the objects and purposes of the preceding section, and all damages to private property, or for land taken under this act, shall be ascertained as provided in chapter forty-three of the General Statutes, when land is taken for highways. May take land, etc.

SECTION 3. This act shall take effect upon its passage.

Approved March 26, 1877.

[1872, 88.]

AN ACT to authorize the Town of Concord to raise additional Funds to extend and complete its Water Works. Chap. 73

Be it enacted, etc., as follows:

SECTION 1. The town of Concord is hereby authorized, for the purposes named in chapter one hundred and eighty-eight of the acts of the year eighteen hundred and seventy-two, to raise by taxation, or by borrowing from time to time, an amount not exceeding fifty thousand dollars in addition to the amount therein authorized, upon like terms and conditions and with like powers in all respects as are provided in said act for the raising of money. May raise money to complete water-works.

SECTION 2. This act shall take effect upon its passage.

Approved March 26, 1877.

[1867, 316; 1870, 80.]

AN ACT relating to the Civil Terms of the Police Court of Haverhill. Chap. 74

Be it enacted, etc., as follows:

SECTION 1. The police court of Haverhill shall be held for civil business on the first and third Wednesdays of each month, and on such other days as the justice of the court shall determine. Terms for civil business.

SECTION 2. Chapter eighty of the acts of the year eighteen hundred and seventy is hereby repealed. Repeal.

Approved March 26, 1877.

Chap. 76 AN ACT to confirm certain Acts done by James W. Stockwell as a Justice of the Peace.

Be it enacted, etc., as follows :

Acts confirmed
as a justice of
the peace.

SECTION 1. All acts done by James W. Stockwell, as a justice of the peace within and for the county of Worcester, between the second day of April in the year eighteen hundred and seventy-six and the sixth day of January in the year eighteen hundred and seventy-seven, are hereby made valid and confirmed to the same extent as though he had been during that time qualified to discharge the duties of said office.

SECTION 2. This act shall take effect upon its passage.

Approved March 28, 1877.

Chap. 77 AN ACT authorizing the Town of Westborough to reimburse Money contributed for the purpose of Celebrating the One Hundreth Anniversary of the Declaration of Independence.

Be it enacted, etc., as follows :

May raise
money by tax-
ation to pay
expenses of
centennial
celebration.

SECTION 1. The town of Westborough is hereby authorized to raise by taxation such sum of money, not exceeding one-tenth of one per cent. of its assessed valuation for the year eighteen hundred and seventy-five, as may be necessary to repay to certain individuals the money contributed by them and expended by a committee of said town in celebrating the one hundreth anniversary of the declaration of independence.

SECTION 2. This act shall take effect upon its passage.

Approved March 28, 1877.

Chap. 78 AN ACT to authorize the First Congregational Society in Mansfield to sell its Meeting-House.

Be it enacted, etc., as follows :

May sell
meeting-house.

SECTION 1. The trustees of the First Congregational Society in Mansfield are authorized and empowered to sell and convey the meeting-house and the land on which it stands, situated in said Mansfield and belonging to said society, in such manner and at such time as shall be determined at a meeting of said society legally called.

Proceeds of
sale.

SECTION 2. So much of the proceeds of the above sale as may be necessary, shall be applied to the payment of all the just and legal debts of said society. The remainder of said proceeds shall be deposited in some institution of good and approved standing, until such time as it shall be

required for the purpose of building a new meeting-house: *provided*, that at the expiration of eighteen months from the date of sale, any and all of said proceeds not applied to the purposes hereinbefore indicated, shall be forthwith donated to some religious society in the county of Bristol in the state of Massachusetts, to be by said society expended in the maintenance of religious worship.

SECTION 3. This act shall take effect upon its passage.

Approved March 28, 1877.

AN ACT to authorize the "Society of the Friars Minor of the Order of St. Francis," of New York, to hold Real Estate in this Commonwealth.

Chap. 79

Be it enacted, etc., as follows:

SECTION 1. The society of the "Friars Minor of the Order of St. Francis," of New York, is hereby authorized to hold by purchase, gift or devise, real estate in the city of Boston, to an amount not exceeding in value fifty thousand dollars, for religious and charitable purposes.

May hold real estate in Boston.

SECTION 2. This act shall take effect upon its passage.

Approved March 28, 1877.

AN ACT to authorize the County Commissioners of Middlesex County to borrow Money for certain purposes.

Chap. 80

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of Middlesex County are hereby authorized to borrow on the credit of said county the sum of forty thousand dollars, to be expended in erecting a new building for the registry of deeds at East Cambridge.

May borrow money for erection of building for registry of deeds.

SECTION 2. This act shall take effect upon its passage.

Approved March 29, 1877.

[1873, 196; 1875, 97; 1876, 64.]

AN ACT to extend the Time during which the City of Worcester is authorized to lay out a Public Park and to establish and maintain a Reservoir.

Chap. 81

Be it enacted, etc., as follows:

SECTION 1. The time for taking and holding land in accordance with the provisions of chapter one hundred and ninety-six of the acts of the year eighteen hundred and seventy-three is extended to the fifteenth day of April in the year eighteen hundred and seventy-eight.

Time for taking land extended.

SECTION 2. This act shall take effect upon its passage.

Approved March 29, 1877.

[1878, 64; 1880, 66.]

- Chap. 82** AN ACT authorizing the Trustees of the Anderson School of Natural History to re-convey their Property, and dissolving said Corporation.

Be it enacted, etc., as follows :

May re-convey
island to orig-
inal donor, and
corporation be
dissolved.

SECTION 1. The Trustees of the Anderson School of Natural History are hereby authorized to re-convey the island of Penikese with all the buildings and improvements thereon, free and discharged of all trusts whatsoever, to John Anderson, the original donor, and said corporation shall thereupon be dissolved.

SECTION 2. This act shall take effect upon its passage.

Approved March 29, 1877.

- Chap. 84** AN ACT in addition to An Act to provide for the Regulation and Inspection of Buildings, the more effectual Prevention of Fire, and better Preservation of Life and Property in Boston.

[Repealed 1881, 117.]

[1874, 66.]

- Chap. 86** AN ACT to change the Name and Purpose of the Massachusetts Anglers' Association.

Be it enacted, etc., as follows :

Name changed.

SECTION 1. The Massachusetts Anglers' Association shall hereafter be known by the name of The Massachusetts Fish and Game Protective Association.

Amendment to
1874, 66, § 1.

SECTION 2. Section one of chapter sixty-six of the acts of the year eighteen hundred and seventy-four is hereby amended by striking out all after the words "and killing of," in the eighth line thereof, and inserting the following: "Fish, shell-fish, bivalves and game; the promotion of the culture of fish and game, and the introduction of new species and varieties of fish and game; and to disseminate information relating thereto."

SECTION 3. This act shall take effect upon its passage.

Approved March 29, 1877.

- Chap. 87** AN ACT to confirm the appointment of the Clerk of the First District Court of Plymouth.

Be it enacted, etc., as follows :

Appointment
and doings of
clerk ratified
and confirmed.

SECTION 1. The appointment by the governor and council in June in the year eighteen hundred and seventy-four of David L. Cowell, as clerk of the first district court of Plymouth, is hereby ratified and confirmed, and all his acts and doings in that office since his said appointment

are hereby made valid to all intents and purposes as if he had been appointed and qualified on or after the first day of July in said year.

SECTION 2. This act shall take effect upon its passage.

Approved March 29, 1877.

AN ACT to authorize the Town of Hingham to build and maintain a Road and Dam across Broad Cove in said Town and to exclude the Tide therefrom.

Chap. 88

Be it enacted, etc., as follows:

The town of Hingham is authorized, with the consent of the Hingham Wharf and Land Company, to build and maintain a road and dam across Broad Cove in said town and to exclude the tide therefrom.

May exclude the tide from Broad Cove.

Approved March 29, 1877.

[1847, 108; 1848, 179; 1849, 140.]

AN ACT to authorize the Hingham Wharf and Land Company in the Town of Hingham to construct their Dam so as to exclude the Tide from the Basin within the Dam.

Chap. 89

Be it enacted, etc., as follows:

Chapter one hundred and forty of the acts of the year eighteen hundred and forty-nine, entitled "An Act in addition to an Act to incorporate the Hingham Wharf and Land Company in the town of Hingham," is hereby amended by adding to section two of said chapter the following words:—or said company is authorized to construct said dam with suitable flood-gates and sluice-ways so as to exclude the tide from the basin within said dam.

May exclude tide-water from basin within the dam.

Approved March 29, 1877.

[1869, 277.]

AN ACT fixing the Times and Places of holding Sessions of the Probate Court in the County of Barnstable.

Chap. 94

Be it enacted, etc., as follows:

SECTION 1. Sessions of the probate court shall be held in each year in the county of Barnstable as follows:—At Barnstable, on the second Tuesdays of January, February, March, August, September and December, and on the third Tuesdays of April and June; at Harwich, on the second Monday after the first Tuesday of May, and on the Monday after the third Tuesday of October; at Wellfleet, on the third Tuesday of May and fourth Tuesday of October; at Provincetown, on the Wednesday next after the

Sessions of probate court in Barnstable County.

third Tuesday of May, and the Wednesday next after the fourth Tuesday of October; and at Falmouth, on the third Tuesday of November.

Repeal of
1868, 277.

SECTION 2. Chapter two hundred and seventy-seven of the acts of the year eighteen hundred and sixty-nine is hereby repealed,

SECTION 3. This act shall take effect upon its passage.

Approved March 29, 1877.

Chap. 98

AN ACT to incorporate the Onset Bay Grove Association.

Be it enacted, etc., as follows :

Corporators.

SECTION 1. H. S. Williams, H. B. Storer, George Hosmer, E. Gerry Brown, John H. Smith, H. H. Brigham, W. W. Currier, B. F. Gibbs, W. F. Nye, their associates and successors, are hereby made a corporation by the name of the Onset Bay Grove Association to be established and located in the town of Wareham, for the purpose of holding personal property and real estate, where a wharf, hotel and other public buildings may be erected, and building lots sold or leased for the erection of private residences or cottages, under such rules and regulations as the association may prescribe; and with all the powers and privileges, and subject to all the restrictions, duties and liabilities set forth in all general laws which now are or may hereafter be in force and applicable to such corporations.

Name and
purpose.

Powers and
privileges.

Capital stock
and shares.

SECTION 2. Said association shall be a joint-stock company, with a capital of not less than twenty-five hundred nor more than twenty-five thousand dollars, divided into shares of fifty dollars each.

Buildings
taxable as
real estate.

SECTION 3. All buildings, booths or other structures erected on or attached to the grounds of the association, shall for the purposes of taxation be considered real estate and taxable in the town of Wareham.

List of owners
of buildings to
be furnished to
assessors.

SECTION 4. It shall be the duty of the officers or agent of the said association, annually on or before the twentieth day of May, to furnish to the assessors of the town of Wareham a true list of the names and residences of all owners of buildings or other taxable property erected upon the grounds of the association; and in default of such information the assessors of said town may tax such property to the association.

SECTION 5. This act shall take effect upon its passage.

Approved March 31, 1877.

[1879, 46.]

[1873, 271; 1874, 101.]

AN ACT in addition to an Act to supply the Village of Attleborough with Water for the Extinguishment of Fires, and for other purposes.

Chap. 99

Be it enacted, etc., as follows :

SECTION 1. The Attleborough water-supply district may issue bonds to an amount not exceeding six thousand dollars, bearing interest payable semi-annually, at a rate not exceeding seven per centum per annum, in addition to the amount now authorized by law, the principal payable at periods not more than thirty years from the date thereof; said bonds to be issued and disposed of in the manner and for the purposes specified in section five of chapter two hundred and seventy-one of the acts of the year eighteen hundred and seventy-three.

May issue
water-bonds.

SECTION 2. Said district shall raise by taxation annually a sum which with the income derived from the water-rates shall be sufficient to pay the current annual expenses of operating its water works and the interest accruing on the bonds issued by said district.

May raise
money by
taxation to pay
expenses and
interest.

SECTION 3. Said district is further authorized upon a two-thirds vote of its legal voters, present and voting at a meeting called for that purpose, to raise by taxation any sum of money for the purpose of extending its water-pipes and providing the necessary fixtures connected therewith, not exceeding two thousand dollars in any one year.

May raise
money to extend
water-pipes, etc.

SECTION 4. Said district shall raise annually by taxation a sum sufficient to make the necessary annual contributions to a sinking fund, which shall be established for the redemption at maturity of the bonds issued by the district. And said sinking fund, with its accumulations, shall be held, managed and invested by three commissioners, who shall be elected by ballot at a regular meeting of the voters of said district called for the purpose, one for a term of one year, one for a term of two years, and one for a term of three years from the next succeeding annual district meeting of said voters; after which first election, one of said commissioners, as the terms expire, shall be elected for the term of three years, at the annual meeting of said district. Any vacancy in said office may be filled at a regular meeting of the voters of the district called for the purpose, and said commissioners shall render to said district, at its annual meeting, a full statement of the condition of said fund.

Sinking fund
may be estab-
lished.

Commissioners.

Tax to be assessed and collected by town officers, when duly voted by district.

SECTION 5. Whenever a tax is duly voted by said district, the clerk shall render a certified copy of the record to the assessors of the town of Attleborough, who shall proceed within thirty days to assess the same, in the same manner, in all respects, as town taxes are by law required to be assessed. The assessment shall be committed to one of the town collectors, who shall collect said tax in the same manner as is provided for the collection of school-district taxes, and shall deposit the proceeds thereof with the town treasurer.

Repeal.
1873, 271, §§ 3, 4.

SECTION 6. So much of sections three and four of chapter two hundred and seventy-one of the acts of the year eighteen hundred and seventy-three as is inconsistent with this act, is hereby repealed.

SECTION 7. This act shall take effect upon its passage.

Approved March 31, 1877.

Chap. 100

AN ACT to authorize the City of Newton to widen, deepen and straighten the Channel of Cheese Cake Brook, and to drain the Lands adjacent thereto.

Be it enacted, etc., as follows :

May widen and deepen brook for purposes of drainage.

SECTION 1. The city of Newton is hereby authorized, by such agents or commissioners as the city council thereof may appoint, from time to time, to widen, deepen and straighten the channel of Cheese Cake Brook, so called, in any portion thereof between its source and its outlet in Charles River in said city, and to drain the lands abutting thereupon and adjacent thereto; and for that purpose to enter upon and use any part of such lands, and to take therefrom any stones, timber, earth or other material, so far as the same may be convenient and useful in effecting such improvement of said brook and lands; and said city having commenced to make said improvement, shall use reasonable diligence to complete the same.

Damages.

SECTION 2. The city of Newton shall be liable to pay all damages that shall be sustained by any persons in their property, by any doings under this act; and the board of mayor and aldermen of said city shall award such damages to, and assess such portion, not exceeding one-half, of the cost and expense of making said improvement, upon the owner or owners of such lands, whether known or unknown, as they shall deem just and equitable; and such assessments shall be in proportion to the immediate benefit of said improvement to such lands, and there shall be

Betterments.

deducted therefrom in each case the amount of damages, if any, awarded as aforesaid.

SECTION 3. All assessments made under this act shall constitute a lien upon the real estate, relative to the increased value of which said assessments are made, to be enforced in the same manner, with like charges for cost and interest, and with the same right of redemption, as provided by law for the collection of taxes upon real estate; and all said assessments remaining unpaid shall draw interest from the time when the same became due and payable until the time of payment.

Assessments
to be a lien
upon estates.

SECTION 4. Any such award or assessment which is invalid by reason of any error or irregularity in the making thereof, or which has been recovered back, may be re-made by said board, and shall have the same effect and may be enforced or resisted in the same manner and with the same effect as the original award or assessment, if the same had been properly made.

Errors in assess-
ments may be
corrected.

SECTION 5. Any person aggrieved by the doings of said board, either in awarding or refusing to award damages, or in making assessments as aforesaid, may apply by petition to the superior court in and for the county of Middlesex, filed in term time or vacation, within six months after the proceedings complained of; and after due notice to the city aforesaid, a trial shall be had at the bar of said court in the same manner and subject to the same rules and provisions of law applicable to the trial of similar civil causes; and if the same shall be tried by a jury the court may order the jury to view the place in question at the request of either party. If the court or jury shall increase the award or reduce the assessment complained of, the petitioner shall recover costs against the city, otherwise the city shall recover costs against the petitioner; and said costs may be deducted from the amount, if any, recovered by the opposing party or a separate execution may issue therefor as the court may order. Final judgments recovered by the city shall, for the space of one year thereafter, constitute a lien and may be enforced in the same manner and to the same extent in all respects as provided in regard to original assessments in the third section of this act.

Parties ag-
grieved may
have trial by
jury.

SECTION 6. This act shall take effect upon its passage.

Approved March 31, 1877.

[1877, 144; 1878, 63, 69; 1879, 147.]

Chap. 103

AN ACT to incorporate the Chicopee Water Company.

Be it enacted, etc., as follows :

Corporators.	SECTION 1. Charles McClallan, William C. McClallan, Emerson Gaylord, Erastus Stebbins, John A. Denison and Chauncy H. Hyde, their associates and successors,
Name and purpose.	are hereby made a corporation by the name of the Chicopee Water Company, for the purpose of furnishing the inhabitants of the centre village of Chicopee with pure water for the extinguishment of fires, domestic and other purposes; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force applicable to such corporations.
May take and convey water.	SECTION 2. Said corporation may take, hold and convey to, into and through the said village the waters of springs and brooks in and upon a certain parcel of land in Springfield, bounded and described as follows, to wit: easterly by the Chicopee Falls Road, so called; southerly by the Morgan Road, so called; westerly and northerly by Liberty Street and the boundary line between Chicopee and Springfield; and may take and hold by purchase or otherwise any real estate necessary for the preservation and purity of the same, or for forming any dams or reservoirs to hold the same, and for laying and maintaining aqueducts and pipes for distributing the waters so taken and held, and may lay its water-pipes through any private lands, with the right to enter upon the same and dig therein for the purpose of making all necessary repairs; and for the purpose aforesaid may carry its pipes under any street, highway or other way in such manner as not to obstruct the same; and may, under the direction of the board of selectmen, enter upon and dig up any road or way for the purpose of laying or repairing its aqueducts, pipes or other works; and in general may do any other acts and things necessary, convenient or proper for carrying out the purposes of this act.
May take and hold real estate.	
To file in registry of deeds a description of the land taken.	SECTION 3. Said corporation shall, within sixty days after the taking of any land under this act, file in the registry of deeds of the county of Hampden a description of any land so taken, sufficiently accurate for identification, and state the purpose for which it is taken; and the title of land so taken shall vest in said corporation. Any person injured in any of his property by any of the acts of said corporation, and failing to agree with said corporation

as to the amount of damages, may have them assessed and determined in the manner provided when land is taken for highways.

SECTION 4. Said corporation may distribute the water throughout said village, may establish and fix from time to time rates for the use of said water and collect the same by suits or otherwise, and may make such contracts with the town of Chicopee, the Chicopee Central Fire District, or with individuals, to supply water for fire and other purposes, as may be agreed on by said town, district or individuals and said corporation.

May establish water rates.

SECTION 5. Said corporation for the purposes set forth in this act may hold real and personal estate not exceeding in amount fifty thousand dollars in value, and the whole capital stock shall not exceed seventy-five thousand dollars, to be divided into shares of one hundred dollars each.

Real and personal estate.

SECTION 6. If any person shall use any of said water taken under this act, without the consent of said corporation, or shall wantonly or maliciously divert the water or any part thereof so taken, or corrupt the same or render it impure, or destroy or injure any dam, aqueduct, pipe, conduit, hydrant, machinery or other works or property held, owned or used by said corporation under the authority of and for the purposes of this act, he shall forfeit and pay to said corporation three times the amount of damages assessed therefor, to be recovered in an action of tort; and on conviction of either of the wanton or malicious acts aforesaid, may be punished by a fine not exceeding three hundred dollars, or by imprisonment in jail not exceeding one year.

Penalty for diverting water, or rendering the same impure.

SECTION 7. Said corporation may purchase from the owner or owners of any aqueduct now used in furnishing water to the inhabitants of said village, his or their whole water right, estate, property and privileges, and by such purchase shall become entitled to all the rights and privileges and subject to all the duties and liabilities appertaining and belonging to such owner or owners.

May purchase aqueduct now in use.

SECTION 8. The town of Chicopee shall have the right at any time, during the continuance of the charter hereby granted, to purchase the corporate property and all the rights and privileges of said company at the actual cost of the same, or at such a price as may be mutually agreed upon between said corporation and the said town of Chicopee; and the said corporation is authorized to make sale

Town of Chicopee may purchase at any time.

Subject to assent
by a two-thirds
vote.

of the same. This authority to purchase said franchise and property is granted on condition that the same is assented to by said town by a two-thirds vote of the voters present and voting thereon at any annual meeting, or at a legal meeting called for that purpose.

Work to be com-
pleted within
two years.

SECTION 9. This act shall take effect upon its passage, and shall become void unless the work of introducing said water into said village is completed within two years.

Approved April 3, 1877.

[1871, 179; 1874, 261.]

Chap. 104 AN ACT authorizing the Town of Sherborn to appropriate Money in aid of Sawin Academy.

Be it enacted, etc., as follows:

May appropriate
\$8,000 in aid of
Sawin Academy.

SECTION 1. The town of Sherborn is hereby authorized to appropriate and grant a sum of money not exceeding eight thousand dollars, to the trustees of Sawin Academy, to be used by them in payment in part of the expenses incurred in erecting and furnishing the academy building.

SECTION 2. This act shall take effect upon its passage.

Approved April 4, 1877.

[1873, 206.]

Chap. 108 AN ACT amending an Act to protect the Shores and Beaches in Scituate.

Be it enacted, etc., as follows:

Shores and
beaches in
Scituate to be
protected.
1873, 206, § 1.

SECTION 1. Section one of chapter two hundred and six of the acts of the year eighteen hundred and seventy-three is amended by inserting after the word "Scituate," the words "except Bassing Beach."

Penalties for
removing ma-
terials from
Bassing Beach.

SECTION 2. Any person who shall take or remove by land or water from Bassing Beach any material composing said beach, unless with the approval of the harbor commissioners, shall for each offence be punished by a fine not less than twenty-five dollars nor more than two hundred dollars, or by imprisonment in jail for a term not exceeding two months.

SECTION 3. This act shall take effect upon its passage.

Approved April 6, 1877.

[1872, 229; 1876, 103.]

AN ACT to amend Chapter One Hundred and Three of the Acts of the Year Eighteen Hundred and Seventy-six, concerning the Taking of Fish in North River in the County of Plymouth.

Chap. 109

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter one hundred and three of the acts of the year eighteen hundred and seventy-six is hereby amended by striking out after the words "North River" in the second line the words, "or any of its tributaries."

Fisheries in North River, in Plymouth County.
1876, 103, § 1.

SECTION 2. This act shall take effect upon its passage.

Approved April 6, 1877.

[1879, 47; 1881, 44.]

AN ACT to prohibit the Seining of Fish in Watuppa Pond in Fall River and Westport.

Chap. 110

Be it enacted, etc., as follows:

SECTION 1. No person shall set, draw or use any seine, net or trawl for the purpose of taking fish of any kind in the Watuppa Pond or any inlet or outlet thereof in Fall River or Westport.

Seining fish in Watuppa Pond prohibited.

SECTION 2. Any person violating this act, or buying selling or having in possession any fish so taken, shall on conviction thereof pay a fine of not less than ten dollars nor more than fifty dollars, with forfeiture of boats, nets and apparatus used in such taking, to be recovered before any court of competent jurisdiction; one-half of said fine and forfeiture to be paid to the person making the complaint and the remainder to the Commonwealth.

Penalties and forfeitures.

SECTION 3. This act shall take effect upon its passage.

Approved April 6, 1877.

[1875, 166.]

AN ACT to extend the Time within which the Inhabitants of Pittsfield may vote upon the Acceptance of their City Charter.

Chap. 111

Be it enacted, etc., as follows:

SECTION 1. Section thirty-six of chapter one hundred and sixty-six of the acts of the year eighteen hundred and seventy-five is hereby amended, so that the vote of the inhabitants of Pittsfield, therein provided for, may be taken on or before the first day of May in the year eighteen hundred and seventy-nine.

Time extended for voting upon acceptance of city charter.

SECTION 2. This act shall take effect upon its passage.

Approved April 6, 1877.

[1853, 353; 1854, 94; 1855, 193; 1857, 230, 236, 304; 1858, 38; 1859, 9, 35; 1861, 135, 191; 1862, 175; 1864, 75, 154; 1869, 165; 1870, 210; 1874, 46.]

Chap. 112 AN ACT to authorize the Metropolitan Railroad Company to issue Bonds.

Be it enacted, etc., as follows:

May issue
bonds.

SECTION 1. The Metropolitan Railroad Company is hereby authorized to issue bonds to an amount and in the manner provided for the issue of bonds by railroad corporations in sections forty-nine, fifty, fifty-one and fifty-two of chapter three hundred and seventy-two of the acts of the year eighteen hundred and seventy-four and chapter one hundred and seventy of the acts of the year eighteen hundred and seventy-six; the provisions of which several sections and act shall be applicable to the Metropolitan Railroad Company; but no bonds issued under the authority herein given, shall be issued payable at a period prior to the time of payment of the bonds issued by said corporation under the provisions of chapter forty-six of the acts of the year eighteen hundred and seventy-four.

SECTION 2. This act shall take effect upon its passage.

Approved April 6, 1877.

[1830, 4, 79; 1832, 87; 1834, 1; 1836, 146; 1838, 95; 1845, 224; 1847, 185, 253; 1849, 26, 115; 1850, 240; 1851, 107, 139, 244; 1853, 387; 1854, 346; 1855, 136, 354, 441; 1856, 43, 127, 161, 167, 290; 1857, 128, 297; 1859, 268; 1866, 278; 1867, 170, 342; 1869, 104, 291; 1870, 9, 165, 301, 386; 1871, 174; 1872, 359, 371; 1873, 357; 1874, 400.]

Chap. 113 AN ACT to authorize the Use of Steam as a Motive Power upon Branches of the Boston and Lowell Railroad in the City of Lowell.

Be it enacted, etc., as follows:

Steam may be
used as motive
power upon
branches of
Boston and
Lowell Rail-
road, in the
city of Lowell.

So much of section five of chapter one hundred and eighty-five of the acts of the year eighteen hundred and forty-seven, and of section four of chapter one hundred and twenty-seven of the acts of the year eighteen hundred and fifty-six, as provides that in no case shall steam be used as a motive power upon the branches of the railroad of the Boston and Lowell Railroad Corporation, therein specified, is hereby repealed; but steam shall not be so used as a motive power upon said branches within the yard of any manufacturing corporation in the city of Lowell, without the written consent of the agent of such corporation.

Approved April 6, 1877.

[1878, 43; 1879, 27; 1880, 169; 1881, 98.]

AN ACT to authorize the Building of a Workshop at the Jail of the County of Berkshire. *Chap. 114*

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of the county of Berkshire are hereby authorized, in their discretion, to build a workshop to be used in connection with the jail and house of correction of said county, at an expense not exceeding seven thousand dollars, and to borrow money for that purpose, if necessary, on the credit of said county.

Commissioners
may build work-
shop at the jail.

SECTION 2. This act shall take effect upon its passage.

Approved April 6, 1877.

AN ACT to authorize the Wearing of Side-Arms by the Veteran Artillery Association of Amesbury and Salisbury. *Chap. 115*

Be it enacted, etc., as follows:

The Veteran Artillery Association of Amesbury and Salisbury is hereby authorized to parade in public with side-arms.

May parade with
side-arms.

Approved April 6, 1877.

[1847, 234.]

AN ACT to amend Section One of Chapter Two Hundred and Thirty-four of the Acts of the Year Eighteen Hundred and Forty-seven, establishing Regulations concerning Boston Harbor. *Chap. 116*

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter two hundred and thirty-four of the acts of the year eighteen hundred and forty-seven, is hereby amended by striking out the words "easterly side of Tuttle's Wharf" and inserting instead thereof the words "Meridian Street Bridge."

Amendment to
1847, 234, § 1.

SECTION 2. This act shall take effect upon its passage.

Approved April 9, 1877.

AN ACT to amend Chapter Two Hundred and Four of the Acts of the Year Eighteen Hundred and Seventy-six, concerning the Militia, by temporarily adding one Company of Infantry. *Chap. 118*

Be it enacted, etc., as follows:

The commander-in-chief is hereby authorized to grant authority under the petition of Charles F. A. Francis and others, to recruit one company of infantry, and the same shall be mustered into the active militia whenever they shall have been approved for efficiency and character by the commander-in-chief. The number of infantry companies heretofore established may be increased to sixty-one

Additional
company of
militia allowed.

whenever the commander-in-chief shall accept the said company, but the number of companies of infantry shall again be reduced to sixty, whenever any company of infantry shall be disbanded under section six of chapter two hundred and four of the acts of the year eighteen hundred and seventy-six.

Approved April 10, 1877.

Chap. 121

AN ACT to incorporate the Athol Water Company.

Be it enacted, etc., as follows :

Corporators.

SECTION 1. Robert Wiley, Adin H. Smith, Solon L. Wiley and Charles Field, their associates and successors, are hereby made a corporation by the name of the Athol Water Company, for the purpose of furnishing the inhabitants of Athol with pure water; with the powers and privileges, and subject to the duties, restrictions and liabilities set forth in the general laws which now are or may hereafter be in force relating to such corporations.

Powers and duties.

May take and convey water in town of Athol.

SECTION 2. Said corporation for the purpose aforesaid may take and hold the waters of Thousand-Acre Meadow Brook, Wellington Brook, Cut-Throat Brook and Powers or Bates Brook, in the towns of Phillipston and Petersham, and may convey the same through said towns into and through the town of Athol or any part thereof; and may take and hold, by purchase, or otherwise, such land on and around the margin of said brooks, not exceeding five rods in width, as may be necessary to secure the purity of the water; and may also take and hold, in like manner, such land as may be necessary for constructing any reservoir, for erecting and maintaining dams, embankments and gate-houses, and for laying down and maintaining conduits, pipes and drains, and constructing aqueducts, hydrants and other works for collecting, conducting and distributing water among the said inhabitants. Said corporation shall, within ninety days after taking such lands, file in the registry of deeds in the county of Worcester a description of the lands so taken, sufficiently accurate for identification, together with a statement of the purposes for which said lands are taken, signed by the president of said corporation.

May take and hold land.

To file in registry of deeds a description of the land taken.

May construct aqueducts.

SECTION 3. Said corporation may construct one or more permanent aqueducts, from any of the sources before mentioned, into and through said town of Athol, and have and maintain the same by any works suitable therefor;

may erect and maintain dams to raise and retain the waters therein; may make and maintain reservoirs; may make and establish public fountains and hydrants in such places as it may from time to time deem proper, and prescribe the purposes for which they may be used, and may change and discontinue the same; may distribute the water throughout the town of Athol; may regulate the use and establish the price or rent therefor; may for the purposes aforesaid convey and conduct its conduits, pipes and drains over or under any water-course, street, turnpike road, railroad, highway or other way, in such manner as to cause the least possible hindrance to the travel thereon, and may for such purposes enter upon and dig up any such road, street or other way, under the direction of the selectmen of the town in which the same is done.

May establish
water-rates.

SECTION 4. Any person or corporation injured in property under this act and failing to agree with said corporation as to the amount of damages may have them assessed in the manner provided by law with respect to land taken for highways; but no application shall be made to the county commissioners for the assessment of damages for the taking of water-rights, until the water is actually taken or diverted by said corporation. Any person whose water-rights are thus taken may so apply at any time within three years from the the time when the water is actually taken or diverted.

Assessment
of damages.

SECTION 5. Said corporation for the purposes aforesaid may hold real estate not exceeding in value thirty thousand dollars, and its capital stock shall not exceed eighty thousand dollars, to be divided into shares of one hundred dollars each.

Real estate.

SECTION 6. If any person shall use any of said water taken under this act, without the consent of said corporation, or shall wantonly or maliciously divert the water or any part thereof so taken, or corrupt the same or render it impure, or destroy or injure any dam, aqueduct, pipe, conduit, hydrant, machinery or other works or property held, owned or used by said corporation under the authority of and for the purposes of this act, he shall forfeit and pay to said corporation three times the amount of damages assessed therefor, to be recovered in an action of tort; and on conviction of either of the wanton or malicious acts aforesaid may be punished by a fine not exceeding three hundred dollars, or by imprisonment in jail not exceeding one year.

Penalty for
diverting water
or rendering it
impure.

whenever the commander-in-chief shall accept the said company, but the number of companies of infantry shall again be reduced to sixty, whenever any company of infantry shall be disbanded under section six of chapter two hundred and four of the acts of the year eighteen hundred and seventy-six.

Approved April 10, 1877.

Chap. 121

AN ACT to incorporate the Athol Water Company.

Be it enacted, etc., as follows :

Corporators.

SECTION 1. Robert Wiley, Adin H. Smith, Solon L. Wiley and Charles Field, their associates and successors, are hereby made a corporation by the name of the Athol Water Company, for the purpose of furnishing the inhabitants of Athol with pure water; with the powers and privileges, and subject to the duties, restrictions and liabilities set forth in the general laws which now are or may hereafter be in force relating to such corporations.

Powers and duties.

May take and convey water in town of Athol.

SECTION 2. Said corporation for the purpose aforesaid may take and hold the waters of Thousand-Acre Meadow Brook, Wellington Brook, Cut-Throat Brook and Powers or Bates Brook, in the towns of Phillipston and Petersham, and may convey the same through said towns into and through the town of Athol or any part thereof; and may take and hold, by purchase, or otherwise, such land on and around the margin of said brooks, not exceeding five rods in width, as may be necessary to secure the purity of the water; and may also take and hold, in like manner, such land as may be necessary for constructing any reservoir, for erecting and maintaining dams, embankments and gate-houses, and for laying down and maintaining conduits, pipes and drains, and constructing aqueducts, hydrants and other works for collecting, conducting and distributing water among the said inhabitants. Said corporation shall, within ninety days after taking such lands, file in the registry of deeds in the county of Worcester a description of the lands so taken, sufficiently accurate for identification, together with a statement of the purposes for which said lands are taken, signed by the president of said corporation.

May take and hold land.

To file in registry of deeds a description of the land taken.

May construct aqueducts.

SECTION 3. Said corporation may construct one or more permanent aqueducts, from any of the sources before mentioned, into and through said town of Athol, and have and maintain the same by any works suitable therefor;

provided, that within ninety days after the time of taking any lands, springs, ponds, brooks or water-rights as aforesaid, otherwise than by purchase, said town shall file in the registry of deeds for the southern district of the county of Middlesex a description thereof sufficiently accurate for identification, with a statement of the purposes for which the same are taken, signed by the selectmen of said town.

To file in registry of deeds a description of the land taken.

SECTION 3. Said town of Hopkinton shall be liable to pay all damages sustained by any persons or corporations in their property by the taking of any lands, water or water-rights, or by the construction of any aqueducts or other works for the purposes aforesaid. If any person or corporation sustaining damages as aforesaid, cannot agree with the town upon the amount of such damages, they may have them assessed in the manner provided by law with respect to land taken for highways; but no application shall be made to the county commissioners for the assessment of damages for the taking of water-rights, until the water is actually taken and diverted by said town. Any person whose water-rights are thus taken or affected, may apply as aforesaid within three years from the time the water is actually withdrawn or diverted, and not thereafter.

Liability for damages.

SECTION 4. For the purpose of paying all necessary expenses and liabilities incurred under the provisions of this act, said town shall have authority from time to time to issue notes, bonds or scrip, signed by the treasurer and countersigned by the chairman of the selectmen, to be denominated "Hopkinton Water Loan," to an amount not exceeding fifty thousand dollars, payable at periods not exceeding thirty years from the date thereof, with interest payable semi-annually, at a rate not exceeding six per centum per annum; and said town may sell said bonds at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms or conditions as it may deem proper. Said town shall annually raise by taxation an amount sufficient, together with the net income received from rents for the use of said water, to pay the interest on said loans as it accrues; and shall establish at the time of contracting said debt a sinking fund, and contribute thereto from year to year an amount raised annually by taxation, sufficient with its accumulations to pay said loans at maturity; and said

Hopkinton water loan.

To establish a sinking fund.

May purchase
aqueduct now
in use.

SECTION 7. Said corporation may purchase from the owner or owners of any aqueduct now used in furnishing water to the inhabitants of said town of Athol, his or their whole water-right, estate, property and privileges, and by such purchase shall become entitled to all the rights and privileges and subject to all the liabilities and duties appertaining and belonging to such owner or owners.

SECTION 8. This act shall take effect upon its passage.

Approved April 10, 1877.

Chap. 122

AN ACT to supply the Town of Hopkinton with Water.

Be it enacted, etc., as follows :

Hopkinton may
supply itself
with water.

SECTION 1. The town of Hopkinton is hereby authorized to supply itself and its inhabitants with pure water to extinguish fires, generate steam, and for domestic and other uses, and may establish public fountains and hydrants, and regulate their use, and may discontinue the same, and may collect such rents as may be fixed for the use of such water.

May take water
and convey it
through the
town.

SECTION 2. Said town for the purposes aforesaid may take and hold the water, or so much thereof as may be necessary, of any springs, natural ponds or brooks within the limits of said town; and may convey said waters or any part thereof into and through said town; and may also take and hold by purchase or otherwise, all necessary lands for raising, holding, flowing, diverting, conducting and preserving such waters, and conveying the same to any and all parts of said town; and may erect thereon proper dams, reservoirs, buildings, fixtures and other structures, and make excavations and embankments, and procure and run machinery therefor; and for such purposes may construct and lay down conduits, pipes and drains in, under or over any lands, water-courses, roads or railroads, and along any street, highway or other way other than a railway, in such manner as not to unnecessarily obstruct the same; and for the purpose of constructing, laying down, maintaining and repairing such conduits, pipes and drains, and for all other proper purposes of this act, may dig up, raise and embank any such land, street, highway or other way, in such manner as to cause the least hindrance to travel thereon; but all things done upon any railroad shall be subject to the direction of the county commissioners for the county of Middlesex :

May dig up
streets and
highways.

provided, that within ninety days after the time of taking any lands, springs, ponds, brooks or water-rights as aforesaid, otherwise than by purchase, said town shall file in the registry of deeds for the southern district of the county of Middlesex a description thereof sufficiently accurate for identification, with a statement of the purposes for which the same are taken, signed by the selectmen of said town.

To file in registry of deeds a description of the land taken.

SECTION 3. Said town of Hopkinton shall be liable to pay all damages sustained by any persons or corporations in their property by the taking of any lands, water or water-rights, or by the construction of any aqueducts or other works for the purposes aforesaid. If any person or corporation sustaining damages as aforesaid, cannot agree with the town upon the amount of such damages, they may have them assessed in the manner provided by law with respect to land taken for highways; but no application shall be made to the county commissioners for the assessment of damages for the taking of water-rights, until the water is actually taken and diverted by said town. Any person whose water-rights are thus taken or affected, may apply as aforesaid within three years from the time the water is actually withdrawn or diverted, and not thereafterwards.

Liability for damages.

SECTION 4. For the purpose of paying all necessary expenses and liabilities incurred under the provisions of this act, said town shall have authority from time to time to issue notes, bonds or scrip, signed by the treasurer and countersigned by the chairman of the selectmen, to be denominated "Hopkinton Water Loan," to an amount not exceeding fifty thousand dollars, payable at periods not exceeding thirty years from the date thereof, with interest payable semi-annually, at a rate not exceeding six per centum per annum; and said town may sell said bonds at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms or conditions as it may deem proper. Said town shall annually raise by taxation an amount sufficient, together with the net income received from rents for the use of said water, to pay the interest on said loans as it accrues; and shall establish at the time of contracting said debt a sinking fund, and contribute thereto from year to year an amount raised annually by taxation, sufficient with its accumulations to pay said loans at maturity; and said

Hopkinton water loan.

To establish a sinking fund.

sinking fund shall remain inviolate and pledged to the payment of said debt, and shall be used for no other purpose.

Penalty for diverting water or rendering it impure.

SECTION 5. Whoever wilfully corrupts, pollutes or diverts any of the water taken under this act, or injures any dam, reservoir, aqueduct, conduit, pipe or other property owned or used by said town for the purposes of this act, shall forfeit and pay to said town three times the amount of damages assessed therefor, to be recovered in an action of tort, and upon conviction of either of the above named acts shall be punished by a fine not exceeding one hundred dollars or by imprisonment not exceeding six months.

Powers may be conferred upon agents.

SECTION 6. The rights, powers and privileges hereby granted, and not otherwise specifically provided for herein, may be exercised by such agents and servants as said town shall elect or employ, who shall act in accordance with the votes of said town.

Subject to acceptance by a two-thirds vote.

SECTION 7. This act shall take effect upon its passage, but no expenditure shall be made or liability incurred under the same until the act is accepted by a vote of two-thirds of the legal voters of the town present and voting thereon, at a legal meeting called for that purpose

Approved April 10, 1877.

[Accepted Sept. 12, 1877.]

[Special Laws, vol. 2, p. 285; vol. 3, Appendix, p. 19; 1811, 154; 1817, 151.]

Chap. 123

AN ACT to regulate the Taking of Fish in Monataquot River in the Town of Braintree.

Be it enacted, etc., as follows:

Alewife and shad fisheries regulated.

SECTION 1. The town of Braintree may, at any legal meeting called for that purpose, make regulations not inconsistent with the provisions of the general laws of the Commonwealth concerning the taking of alewives and shad in Monataquot River within said town, or concerning the disposal of the privilege of taking the same, for its own use and benefit.

Three persons to be chosen to cause regulations to be enforced.

SECTION 2. Said town shall, at its annual meeting in March in the year eighteen hundred and seventy-eight and in each year thereafter, choose three discreet persons by ballot, whose duty it shall be to inspect said river, to cause the regulations respecting said fishery to be carried into effect and to prosecute all violations thereof.

SECTION 3. No persons shall in any way take or catch any shad or alewives in said river until the first day of March in the year eighteen hundred and seventy-eight.

Shad and alewives not to be taken until March 1, 1878.

SECTION 4. Whoever takes from said river any of said fish in violation of the provisions of this act, or of said regulations, shall forfeit for each fish so taken not more than ten dollars nor less than one dollar, one-half of said penalty to be paid to the complainant and the other half to said town.

Penalty.

SECTION 5. Chapter one hundred and fifty-one of the acts of the year eighteen hundred and seventeen is hereby repealed.

Repeal of 1817, 161.

SECTION 6. This act shall take effect upon its passage.

Approved April 10, 1877.

AN ACT to incorporate the Mutual Boiler Insurance Company of Boston. *Chap. 124*

Be it enacted, etc., as follows:

SECTION 1. C. C. Walworth, Alfred H. Hall, Frederick S. Cabot, D. D. Crombie, F. Ernest Cabot, their associates and successors, are hereby made a corporation by the name of the Mutual Boiler Insurance Company of Boston, to be located in the city of Boston, for the purpose of insuring property upon the mutual principle, against loss or damage, other than by fire, by the explosion of steam-boilers; with all the powers and privileges and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or hereafter may be in force relating to mutual fire insurance companies, so far as the same are applicable to this class of insurance and except as hereinafter provided.

Corporators.

Name and purpose.

Powers and duties.

SECTION 2. Said corporation shall not issue policies until the sum of two hundred and fifty thousand dollars has been subscribed to be insured and entered upon the books of the corporation, in sums not exceeding five thousand dollars upon any one risk; nor until the certificate of the insurance commissioner is obtained as provided in section five of chapter two hundred and ninety-seven of the acts of the year eighteen hundred and seventy-one.

When may commence business.

SECTION 3. Said corporation shall require from its policy holders, in addition to the cash premium upon their respective policies, a deposit note of five times the amount of such cash premium, which note shall contain a stipulation that the same shall be payable at such times and in such sums as the directors of the corporation may order

Cash premium and deposit note.

Liability of insured.

or assess, pursuant to the by-laws of the corporation. Such deposit notes shall constitute the entire liability of the insured as a member of the corporation.

SECTION 4. This act shall take effect upon its passage.

Approved April 10, 1877.

Chap. 125 AN ACT to authorize the Construction of Bridges over Bourne's Pond River, Green's Pond River and Great Pond River in the Town of Falmouth.

Be it enacted, etc., as follows :

May lay out way
and construct
bridge.

SECTION 1. The town of Falmouth or the county commissioners for the county of Barnstable may lay out a way, and said town or said county commissioners may construct a bridge over Bourne's Pond River, Green's Pond River and Great Pond River in said town, subject to the provisions of section four of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six, and chapter four hundred and thirty-two of the acts of the year eighteen hundred and sixty-nine. The selectmen of said town or said commissioners, in carrying into effect the provisions of this act, shall in all respects conform to the existing laws relating to the laying out of highways.

SECTION 2. This act shall take effect upon its passage.

Approved April 10, 1877.

[1876, 149.]

Chap. 126 AN ACT to authorize the City of Fall River to lay out and construct a Way known as Buffinton Street, through a Private Burial-Ground.

Be it enacted, etc., as follows :

May lay out
street across a
private burial-
ground.

SECTION 1. The city of Fall River is hereby authorized to lay out and construct the street or way known as Buffinton Street, in and through the private burial-ground situated on the southerly side of said Buffinton Street and extending easterly along said street three hundred and sixty-three and seventy-five one-hundredths feet from the easterly line of the estate of E. E. Hathaway: *provided*, that no burial-lot in which are buried the remains of the dead shall be entered upon under the provisions of this act until the remains shall have been removed to some other cemetery without expense to the owner of such burial-lot.

Liability for
damage.

SECTION 2. Said city shall be liable to the owners of said burial-ground, to pay all damages sustained in their property by the taking of any lands under the provisions

of the preceding section. If the owners or any one of them, sustaining damages as aforesaid, cannot agree with the city upon the amount of said damages, he or they may have said damages assessed in the same manner as is provided in case of taking land for highways: *provided*, that any application for a jury to assess said damages, shall be made within one year after said damages are sustained. Proviso.

SECTION 3. This act shall take effect upon its passage.

Approved April 10, 1877.

AN ACT to provide for the Disposition of certain Liquors heretofore seized under the Laws. Chap. 129

Be it enacted, etc., as follows:

SECTION 1. All intoxicating liquor delivered to the sheriffs of the several counties of this Commonwealth or their deputies, under section twelve of chapter fifteen of the acts for the year eighteen hundred and seventy-five, and still remaining when this act takes effect, in the possession of said sheriffs or their deputies, shall, by the written order of the justice or court which adjudged the liquor forfeited, be delivered to the chief of the state detective force. Said officer shall sell the same and pay over the net proceeds to the treasurer of the Commonwealth. Liquors in hands of sheriffs to be delivered to chief of state detectives, upon order of court.

SECTION 2. This act shall take effect upon its passage.

Approved April 11, 1877.

AN ACT to authorize the Town of Chatham to construct a Bridge across Oyster Pond River. Chap. 130

Be it enacted, etc., as follows:

SECTION 1. The town of Chatham in the county of Barnstable is hereby authorized to lay out a road and construct and maintain a bridge across Oyster Pond River in said town and county; beginning at the town road on the west side of said river at or near the lumber yard of Daniel Howes, deceased, thence over said river to the land of Caleb F. Nickerson, in said town, subject to the provisions of section four of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six and chapter four hundred and thirty-two of the acts of the year eighteen hundred and sixty-nine. Town may construct a bridge, etc., across Oyster Pond River.

SECTION 2. Said town in laying out and constructing said road and bridge shall in all respects proceed as is now provided by law for laying out and constructing town roads. To proceed as provided for laying out town roads.

SECTION 3. This act shall take effect upon its passage.

Approved April 11, 1877.

[1861, 183; 1863, 142; 1863, 186, 226; 1863, 230; 1868, 247; 1869, 97; 1873, 174; 1873, 195.]

Chap. 131 AN ACT to amend an Act in addition to an Act to incorporate the Massachusetts Institute of Technology.

Be it enacted, etc., as follows:

Building to be erected within two years. 1873, 174.

SECTION 1. The provisions of chapter one hundred and seventy-four of the acts of the year eighteen hundred and seventy-three, granting certain land to the Institute of Technology, shall become inoperative and void unless said institute shall within two years from the passage of this act erect a suitable building for the permanent use of said institute upon said land.

Commissioners on public lands may sell land unless provisions are complied with.

SECTION 2. In default of such action by the institute, within the time limited in the first section of this act, the commissioners on public lands may sell and convey the same granted land in the same way that other lands of the Commonwealth on the back bay are sold and conveyed.

SECTION 3. This act shall take effect upon its passage.

Approved April 11, 1877.

[1879, 251; 1881, 107.]

[1876, 224.]

Chap. 132 AN ACT concerning the Sewage of the State Hospital for the Insane, in the Town of Danvers.

Be it enacted, etc., as follows:

Sewage not to be discharged into Ipswich River.

SECTION 1. The trustees of the state hospital for the insane, in the town of Danvers, are hereby prohibited from causing or permitting the discharge through any sewer or drain of any portion of the sewage of said hospital into the Ipswich River.

SECTION 2. This act shall take effect upon its passage.

Approved April 11, 1877.

[1870, 214; 1871, 130.]

Chap. 135 AN ACT concerning the Lancaster Railroad Company.

Be it enacted, etc., as follows:

Mortgage ratified and confirmed.

SECTION 1. The proceedings of the Lancaster Railroad Company whereby by indenture dated on the first day of January in the year eighteen hundred and seventy-two, it conveyed its railroad and other property in mortgage to George A. Parker, William B. Stearns and Francis H. Kinnicutt, trustees, to secure to the holders of its bonds the payment of the same, are hereby ratified and confirmed.

SECTION 2. The bonds already issued by said Lancaster Railroad Company to the amount of ninety thousand dollars are hereby declared to be valid, and to be secured by said mortgage, and the said company is hereby authorized to complete the issue of bonds secured by said mortgage, to the amount, including said issue of ninety thousand dollars, of the sum secured thereby; to wit, the sum of one hundred and fifteen thousand dollars.

Issue of bonds
declared valid.

SECTION 3. Chapter two hundred and fourteen of the acts of the year eighteen hundred and seventy, entitled "An Act to incorporate the Lancaster Railroad Company," and chapter one hundred and thirty of the acts of the year eighteen hundred and seventy-one, entitled "An Act concerning the Lancaster Railroad Company," are hereby revived; and all the franchises, rights, powers, authorities, privileges, immunities and property granted by said acts are hereby revived and re-granted to said company as fully as if said company had complied with the conditions mentioned in said acts.

Acts revived.
1870, 214.
1871, 190.

SECTION 4. The time within which said Lancaster Railroad Company was, by section five of chapter two hundred and fourteen of the acts of the year eighteen hundred and seventy, ordered to be located, is hereby extended one year from the passage of this act, and the time within which by the same section it was ordered to be constructed, is hereby extended two years from the passage of this act.

Time for
location and
construction
extended.

SECTION 5. This act shall take effect upon its passage.

Approved April 17, 1877.

[1870, 101; 1881, 150.]

[1872, 335.]

AN ACT to amend an Act to supply the Towns of Wakefield and Stoneham with Water. Chap. 136

Be it enacted, etc., as follows:

SECTION 1. The first section of chapter three hundred and thirty-five of the acts of the year eighteen hundred and seventy-two is hereby amended by inserting after the word "water" in the sixth line, the words, "to extinguish fires, generate steam, and for domestic, manufacturing and other uses."

Water supply
for Stoneham
and Wakefield.
1872, 335.

SECTION 2. The fourth section of said act is hereby amended by striking out all in said section after the word "highways" in the ninth line.

Amendment to
1872, 335, § 4.

Town of Wakefield may guarantee bonds.

Proviso.

Powers and duties, liabilities and restrictions.

SECTION 3. The town of Wakefield may guarantee the payment of the interest on the bonds of the Quannapowitt Water Company, issued for the purpose of constructing its water-works, for a term not exceeding twenty years, at a rate not exceeding six per cent. per annum, and not exceeding fifty thousand dollars in amount: *provided*, said town shall vote so to do at any legal meeting called for that purpose.

SECTION 4. All the rights, powers and privileges granted to the town of Wakefield by the aforesaid act are hereby revived, subject to the restrictions, duties and liabilities therein mentioned, and may be exercised at any time while the said town is liable for the interest on any of said bonds; and the authority to take or purchase the franchise and corporate property of said company is granted on condition that the same is assented to by said town by a two-thirds vote of the voters present and voting thereon, at a legal meeting called for that purpose.

SECTION 5. This act shall take effect upon its passage.

Approved April 17, 1877.

Chap. 137 AN ACT providing for submitting the Claim of Edwin Adams against the Commonwealth to Arbitration.

Be it enacted, etc., as follows:

Doings of commissioners confirmed.

SECTION 1. The doings of a majority of the commissioners appointed under chapter two hundred and thirty-nine of the acts of the year eighteen hundred and seventy-three, in submitting the claim of Edwin Adams against said Commonwealth to the arbitration of Francis E. Parker, L. Miles Standish and Benjamin F. Prescott, and in executing in conjunction with said Adams an agreement for such submission, which agreement is dated March tenth in the year eighteen hundred and seventy-seven, a copy of which is deposited in the office of the secretary of the Commonwealth, are hereby fully ratified and confirmed.

Award of arbitrators may be acted upon by S. J. C.

SECTION 2. The award of such arbitrators, made and returned to the supreme judicial court for the county of Suffolk as provided in said submission, may be acted upon by said court or any justice thereof either in term time or vacation; and said court may accept, reject or recommit said award, or take such other action in the premises as they do in regard to awards of arbitrators appointed under a justice's rule.

Upon accept

SECTION 3. Upon the acceptance of such award by said

court, as hereinbefore provided, the governor shall draw his warrant upon the treasury of the Commonwealth for the amount, if any, found due to said Adams by said award. And said arbitrators shall have power to decide all questions of costs including their own fees, subject to the decision and taxation of said court.

power of award
governor to
draw warrant
for amount
found due.

SECTION 4. This act shall take effect upon its passage.

Approved April 17, 1877.

AN ACT to incorporate the Montgomery Guard Association of the City of Boston.

Chap. 138

Be it enacted, etc., as follows:

SECTION 1. James J. Flynn, Patrick A. Collins, John E. Fitzgerald, Timothy J. Dacey, John Boyle O'Reilly, Charles F. Donnelly, Thomas J. Gargan, Michael Doherty, Edward B. Rankin, John R. Farrell, Dennis J. Gorman, Adolphus G. McVey, and Timothy A. Hurley, and such other persons as are known as the Montgomery Guard, or may hereafter become associated with them, are hereby constituted a body corporate by the name of the Montgomery Guard Association of the city of Boston, having the privileges and subject to the duties and liabilities set forth in all general laws which now are or hereafter may be in force relating to corporations.

Corporators.

Name.

SECTION 2. The objects of this corporation shall be to afford pecuniary relief to aged, reduced and indigent members, and to their widows and children, to preserve the traditions and customs of the above named corps, to promote its welfare and to continue and foster its friendships and associations.

To furnish relief to indigent members.

SECTION 3. The said corporation shall have power to adopt a constitution and by-laws, rules and regulations for the admission of members and their government, the election of officers and prescribing their duty, the suspending and expelling of members, and for the safe keeping of its property and funds, and from time to time to alter or repeal such constitution, by-laws, rules and regulations.

May adopt constitution and by-laws.

SECTION 4. The said corporation shall have power to hold property, real and personal, to an amount not exceeding twenty-five thousand dollars.

Real and personal estate.

SECTION 5. The members of said corporation may parade in public with side-arms.

May parade with side-arms.

SECTION 6. This act shall take effect upon its passage.

Approved April 20, 1877.

Chap. 139 AN ACT to annex a part of the Town of Medford to the Town of Malden.

Be it enacted, etc., as follows :

Part of Med-
ford annexed
to Malden.

SECTION 1. All that part of the town of Medford, with the inhabitants and estates therein, comprised within the following described lines, to wit:—Beginning at a stone bound at Creek Head, so called; thence running north-westerly to an angle in the wall on the north line of Salem Street, forty-eight and one-tenth feet westerly from the east face of the west gate-post in front of William Tothill's house; thence running northerly parallel with and nine hundred and eighty-six and sixty-six one-hundredths feet distant westerly from the present line dividing Medford and Malden, to the line between Medford and Stoneham; thence running easterly by the last named line to the line between Medford and Malden; thence running southerly by the present easterly boundary of Medford to the point of beginning; is hereby set off from the town of Medford and annexed to the town of Malden.

Payment of
taxes.

SECTION 2. The inhabitants of said described territory shall pay all taxes which have been legally assessed upon them by the town of Medford, and all taxes heretofore so assessed and not collected shall be collected and paid over to the treasurer of the town of Medford in the same manner as if this act had not been passed. Until the next state valuation the town of Malden shall annually, in the month of October, pay to the town of Medford one-eightieth part of all state and county taxes that shall be assessed upon said town of Medford.

Support of
paupers.

SECTION 3. Said town of Malden shall be liable for the support of all persons who now do or shall hereafter stand in need of relief as paupers, whose settlements were gained, whether by original acquisition or derivation, by reason of a residence on the territory hereby annexed to said town of Malden. The town of Malden shall pay to the town of Medford, annually, one-eightieth part of the costs paid by the last named town for the support or relief of paupers whose settlements were acquired therein or were derived from settlements acquired therein in consequence of military services in the war of the rebellion: *provided*, that the person who rendered such military service was not at the time of his enlistment an inhabitant of said town of Medford.

Election of

SECTION 4. Until a new apportionment of represent-

atives shall be made, the inhabitants of the territory described in the first section of this act shall, for the purpose of electing representatives to the general court, remain and continue to be a part of the town of Medford, and the inhabitants resident thereon qualified to vote shall be entitled to vote for representatives and shall be eligible to the office of representative in the town of Medford, and shall vote at the place at which the inhabitants of Medford vote.

representatives
to the general
court.

The selectmen of Malden shall annually make a true list of all persons resident on said territory qualified to vote at every such election, and post the same on said territory according to law; they shall also deliver one such list, corrected as required by law, to the selectmen of the town of Medford before the time of meeting for election, to be used thereat.

SECTION 5. Within one year from the passage of this act, the town of Malden shall pay to the town of Medford the sum of one thousand dollars; and this sum shall be a settlement of all claims against the town of Malden growing out of the provisions of this act; and all the water-pipes and other public property of the said town of Medford situated on the territory hereby annexed shall hereafter vest in the town of Malden.

Town of Malden
to pay \$1,000 to
the town of
Medford.

The town of Malden shall pay all the expense of making the survey and establishing the boundary line between that town and Medford.

Malden to pay
for establishing
boundary line.

SECTION 6. This act shall take effect upon its passage.

Approved April 20, 1877.

[1878, 19.]

[1870, 355; 1871, 276; 1874, 289; 1875, 193; 1876, 108.]

AN ACT to amend an Act entitled an Act to provide for the Construction and Maintenance of a Highway and Bridge across Connecticut River at Turner's Falls.

Chap. 140

Be it enacted, etc., as follows :

SECTION 1. The commissioners named in section one of chapter one hundred and ninety-three of the acts of the year eighteen hundred and seventy-five, after being duly sworn, and after due notice to and hearing all parties interested, may if in their judgment the public necessity and convenience require, without regard to the restrictions as to location contained in said act, but between such point in the town of Gill and such point in the town of Mon-

Commissioners
may relocate
and build
bridge.

tagne as they shall deem best, relocate and construct upon such relocation the highway and bridge in said act mentioned.

Relocation to be filed in office of the clerk of the courts.

SECTION 2. They shall forthwith file such relocation in the office of the clerk of the courts in the county of Franklin, with a description by metes and bounds, and names of owners so far as known, of the lands and other property, if any, taken thereby, and shall at the same time give written notice of such filing to all such owners and to the commissioners of said county.

County commissioners to issue notice, etc.

SECTION 3. Said county commissioners at their regular meeting next after receiving such notice shall issue due notice to all owners whose names are so filed, when and where they will meet to view the land and property taken, after which view and hearing the parties, they shall estimate and award his damages to each of such owners and file their awards in the office of said clerk forthwith, giving written notice of such filing to each owner.

Persons aggrieved by award may apply for a jury.

SECTION 4. Any person aggrieved by such award may within thirty days after the filing thereof, apply in writing to said county commissioners for a jury to determine his damages; whereupon proceedings shall be had in all respects the same as in an application for a jury to determine damages for land taken for a highway.

Repeal.

SECTION 5. All provisions of said chapter one hundred and ninety-three of the acts of the year eighteen hundred and seventy-five inconsistent herewith are hereby repealed.

Approved April 20, 1877.

Chap. 141

AN ACT to regulate the Fisheries in the Weweantit River and its Tributaries, and for stocking the same with Shad and Alewives.

Be it enacted, etc., as follows:

Fisheries regulated.

SECTION 1. No person shall take or catch any shad or alewives in the Weweantit River or its tributaries in Plymouth County, for a period of five years from the passage of this act, under a penalty of five dollars for each and every shad taken, and fifty cents for each and every alewife taken in violation of this act, and forfeiture of all boats, seines, nets or other apparatus for taking said fish, used in violation of the provisions of this act: *provided, however,* that the several fish committees of the towns of Wareham, Rochester and Carver, chosen annually, shall have the right to take or catch said fish in sufficient numbers for the purpose of assisting in the stocking of said

Proviso.

river and its ponds and tributaries, and for no other purpose whatever.

SECTION 2. The provisions of law now in force, by which the fish committees of the towns of Wareham, Rochester and Carver are obliged annually in the month of March to give notice to the town clerks and to sell at public vendue the right to take and catch alewives at certain times and at certain places, each year, in the Weweantit River, are hereby suspended for the period of five years from the passage of this act.

Certain provisions of law suspended for five years.

SECTION 3. Any person or persons, company or corporation who shall cause or permit any sawdust or other obstruction to the free passage of the said fish, or any drugs, dye-stuffs, acids, alkalies or any other substance destructive of the life of shad or alewives, to be deposited in or flow into said river or its tributaries at any time of the year, shall pay a fine of twenty-five dollars for each and every offence so committed.

Obstructions to free passage of fish not permitted.

SECTION 4. This act shall take effect upon its passage.

Approved April 20, 1877.

[1863, 163; 1868, 52; 1872, 222, 292; 1874, 219.]

AN ACT in addition to an Act for supplying the City of New Bedford with Pure Water. *Chap. 142*

Be it enacted, etc., as follows:

SECTION 1. The city of New Bedford is hereby authorized to take and convey into and through said city the whole or any portion of the waters of the Acushnet River, and the waters which flow into or from the same; and all rights to take water granted by chapter one hundred and sixty-three of the acts of the year eighteen hundred and sixty-three are hereby continued.

May take water from Acushnet River.

SECTION 2. The Acushnet water board of said city shall be the agents of the city to do all things necessary to the taking of said waters. In order to entitle the city to take the waters aforesaid, the said Acushnet water board shall cause to be filed in the office of the registry of deeds for the southern district of the county of Bristol, a certificate signed by the said board or a major part thereof, containing a statement of the fact of said taking, and a description of the amount or portion so taken, and no other proceedings shall be necessary to entitle the said city to take and use said waters.

To file in registry of deeds a description of the amount taken.

SECTION 3. The said city shall be liable to pay all

Liability for

damages.

damages that shall be sustained by any persons in their property by the taking of said waters as aforesaid; and the like proceedings shall be had for the recovery of said damages as are provided in chapter one hundred and sixty-three of the acts of the year eighteen hundred sixty-three.

Rights of parties not to be affected.

SECTION 4. Nothing herein contained shall be construed to abridge or in any way to affect the claims of any person or persons against said city, growing out of any acts previous to the exercise of the rights of taking said waters herein granted, or to annul or in any way to affect any contract, settlement or purchase heretofore made by said city with any person or persons regarding the taking or using of said waters.

SECTION 5. This act shall take effect upon its passage.

Approved April 20, 1877.

[1878, 140.]

[Special Laws, vol. 2, p. 137; 1864, 258; 1866, 238; 1867, 163, 187; 1868, 72, 302; 1871, 192.]

Chap. 143

AN ACT in addition to an Act for supplying the City of Salem with Pure Water.

Be it enacted, etc., as follows:

City of Salem may lay water pipes through Beverly, Danvers and Peabody.

SECTION 1. The city of Salem, for the purpose of more conveniently supplying its inhabitants with pure water, is hereby authorized to lay a water-pipe, commencing at a point of connection with the present pipes of the city of Salem, in the town of Beverly, and thence through the streets of the towns of Beverly, Danvers, and through Margin Street in the town of Peabody, to a point of junction with pipes already laid in Salem: *provided*, that the said city shall be subject to all the duties and liabilities set forth in section five of chapter two hundred and sixty-eight of the acts of the year eighteen hundred and sixty-four.

Proviso.

Towns may require hydrants to be inserted for extinguishing fires.

SECTION 2. In case said pipes shall be so laid, said towns or either of them may require said city to insert therein proper hydrants at points not less than five hundred feet apart, to be used for the purpose of extinguishing fires, and for no other purpose; the expense of inserting said hydrants and keeping the same in repair to be paid by said towns respectively; and the town of Beverly shall have the right to connect its main eight-inch pipe with said pipe at the junction of Cabot and Conant streets in said Beverly, and to make connections at such other

Hydrants to be kept in repair by the towns.

points as may be agreed upon; said connections to be made in accordance with the provisions and subject to the restrictions named in chapter three hundred and eighty of the acts of the year eighteen hundred and sixty-nine.

SECTION 3. Said city of Salem is authorized to contract with either or all of said towns, and said towns or either of them are authorized to contract with each other, for the laying of said pipe or any part thereof, and said towns of Danvers and Peabody or either of them are authorized to contract with said city for the furnishing of water to said towns or either of them, or to the inhabitants thereof, subject to the restrictions named and with all the powers granted in "An Act to authorize cities and towns to purchase water-rights," passed upon the nineteenth day of March in the year of our Lord one thousand eight hundred and seventy, and being chapter ninety-third of the acts of that year.

City may contract with towns for laying pipes, and towns may contract for water.

Approved April 20, 1877.

[1877, 100.]

AN ACT to authorize the City of Newton to lay and maintain a Main Drain in Boston.

Chap. 144

Be it enacted, etc., as follows :

SECTION 1. The city of Newton is hereby authorized, by its mayor and aldermen or by a board of three commissioners to be chosen by its city council, to lay and construct a main drain or common sewer on the southerly side of Charles River, through a portion of the Brighton district of the city of Boston to a point in the deep water of said river near the Faneuil Station on the Boston and Albany Railroad and opposite the United States Arsenal in Watertown, for the purpose of discharging the sewage of the city of Newton into said river; and such main drain, and the works hereinafter mentioned, shall be the property and under the exclusive control of the city of Newton, which shall keep and maintain the same in good order and condition.

May construct main drain through Brighton district to Charles River.

SECTION 2. The city of Newton may also construct and maintain at or near the place of discharge of said sewer such drainage works as it may deem necessary; but said sewer or works shall be so constructed as not to interfere with the navigation of said river or to create a public nuisance.

May construct and maintain drainage works.

SECTION 3. The city of Newton may take such lands and buildings as may be necessary to accomplish the pur-

May take lands and buildings.

poses of this act, and all damages sustained thereby shall be paid by the city of Newton, and the same may be ascertained and recovered in the manner now provided by law for the assessment of damages in the laying out of highways in the city of Boston.

May construct drain over or under water-course or town way.

SECTION 4. The city of Newton may construct such drain or sewer over or under any water-course, highway, town way, railroad or other way, may change the course of any brook, may enter upon and dig up the same for the purpose of constructing and maintaining such drain or sewer, and may do all such other acts as may be necessary to accomplish the work hereby authorized; but said city shall not unnecessarily interrupt public travel in the doing of said work, and the supreme judicial court in any county, or any justice thereof, in term time or vacation, upon complaint of the mayor or aldermen of Boston, or of any corporation whose rights are invaded, may direct the method of performing such work as may affect public travel, public rights or public health, and enforce such directions and orders by injunction or other suitable process.

Streets to be restored to good order and condition.

SECTION 5. Whenever the city of Newton shall dig up any highway, street or way, it shall restore the same to as good order and condition as the same was in when such digging commenced. And the city of Newton shall at all times indemnify and save harmless the city of Boston of and from all damages which may be sustained by it by reason of any defect or want of repair in any street or way, caused by the construction, maintenance or repair of said drain or sewer.

May construct drain under any railroad.

SECTION 6. The city of Newton may within its corporate limits, construct any main drain or common sewer under any railroad, and maintain and repair the same; and it shall be liable to the corporation owning such road for all damages thereby sustained by it, to be recovered in an action of tort.

Provisions of law to apply.

SECTION 7. The provisions of the fourth, fifth, sixth and seventh sections of chapter forty-eight of the General Statutes, and all other general laws, shall apply to said main drain or common sewer, so far as applicable; but no assessment shall be laid on any property outside the limits of said Newton.

Subject to acceptance by city council.

SECTION 8. This act shall take effect upon its acceptance by the city council of the city of Newton.

Approved April 20, 1877.

[1878, 63, 69; 1879, 147.]

[1811, 38, 122; 1824, 29; 1832, 100; 1857, 99; 1868, 142; 1869, 431; 1875, 175.]

AN ACT to authorize the County Commissioners of the County of Franklin to borrow Money for the purpose of paying such Costs and Expenses as said County may be required to pay, under the Provisions of an Act relating to Sunderland Bridge. *Chap. 145*

Be it enacted, etc., as follows :

The county commissioners of the county of Franklin may borrow, upon the credit of said county, a sum not exceeding two thousand dollars, for the purpose of paying such costs and expenses as said county may be required to pay under the provisions of chapter one hundred and seventy-five of the acts of the year eighteen hundred and seventy-five, entitled "An Act relating to Sunderland Bridge." *County commissioners of Franklin may borrow money.*

Approved April 20, 1877.

[1877, 238; 1878, 60.]

AN ACT to revise and amend the Charter of the City of Springfield. *Chap. 146*
[Rejected, June 18, 1877.]

[1871, 343; 1873, 31; 1875, 221.]

AN ACT to amend an Act entitled "An Act to provide for a Union Passenger Station, and for the removal of Railroad Tracks from certain Public Ways and Grounds in the City of Worcester." *Chap. 152*

Be it enacted, etc., as follows :

SECTION 1. The mayor and aldermen of the city of Worcester may and shall forthwith extend Foster Street in said city, with a width of not less than sixty feet from its eastern terminus at the west end of the Foster Street station, as nearly as may be over the discontinued railroad location lying east of said station, to the Mechanic Street burial-ground; thence across said burial-ground and across Bridge Street to the intersection of the railroad viaduct with Mechanic Street; thence under said viaduct by a bridge, with a span of not less than sixty feet in the clear, measured at right angles with said extension, partly on Mechanic Street, to Summer Street; the whole to be laid out and constructed substantially in accordance with a plan of the proposed extension of Foster Street, filed in the office of the secretary of the Commonwealth on the twenty-ninth day of March in the year one thousand eight hundred and seventy-seven. The decree of said mayor and aldermen laying out said extension and establishing the grade thereof shall be final without further proceedings, and said extension shall be constructed at the expense of *May extend Foster Street across burial-ground.*

Decree of mayor and aldermen to be final.

Suitable track to
be maintained.

said city. Said city shall maintain a suitable track, either upon said extension or partly upon said extension and partly upon the discontinued railroad location between the west line of said burial-ground and said viaduct, to be connected with the tracks of one or more of the railroads in said city, for the accommodation of business establishments on the line of said extension which were accommodated by the tracks of the Boston and Albany Railroad at the time of the passage of said act, unless said mayor and aldermen shall within three months after the date of their decree laying out said extension, vote not to construct said tracks; and if said mayor and aldermen shall so vote, then said city shall not be required to maintain said track, but shall pay to the owners of said establishments such sums as compensation for not furnishing said track, as the parties shall agree, or in case of disagreement, as the county commissioners of the county of Worcester, after hearing the parties, shall determine. Said track, if constructed, shall be operated by horse-power, or such other motive power as said mayor and aldermen shall from time to time permit. Said bridge over said street shall be built by the railroad companies owning said viaduct, in such manner and form as the board of railroad commissioners, after hearing the parties, shall direct; and said railroad companies may take, under the general laws, additional land necessary for the abutments of said bridge. And the expense of building said bridge and abutments, and of the land so taken, after deducting the value of the present bridge and materials, shall be paid by said city; and the expense of maintaining said bridge shall be borne by said city and said railroad companies in such proportion as the parties shall agree, or in case of disagreement, as the county commissioners for the county of Worcester, after hearing the parties, shall determine; and such apportionment may be revised by said county commissioners at intervals of not less than three years, upon the application of either of said parties. All damages occasioned to any person or corporation by the laying out of said extension, shall be assessed by said mayor and aldermen in the first instance, and shall be subject to revision by a jury in the manner provided by law in the laying out of town ways, and shall be paid by said city; and estates receiving benefit and advantage from the laying out of said extension, shall be liable to assessment therefor, as provided in the general laws relating to betterments.

Bridge over
street to be built
by railroad com-
panies owning
viaduct.

Expense of
building to be
paid by city.

Assessment
of damages.

SECTION 2. So much of section twenty-two of chapter three hundred and forty-three of the acts of the year one thousand eight hundred and seventy-one as relates to Foster Street is hereby repealed. Repeal.
1871, 343, § 22.

SECTION 3. This act shall take effect upon its passage.

Approved April 24, 1877.

[1879, 85.]

AN ACT to incorporate the Fidelity Assurance Company of Massachusetts.

Chap. 153

Be it enacted, etc., as follows :

SECTION 1. Ezra Farnsworth, Francis A. Osborn, Samuel B. Rindge, J. Gardner White, Frank Goodwin, Charles J. Whitmore, William S. Eaton, James P. Melledge, William I. Parker and Samuel Batchelder, Jr., their associates and successors, are made a corporation by the name of the Fidelity Assurance Company of Massachusetts, for the purposes hereinafter set forth ; to have its place of business in the city of Boston, and to be subject to the provisions of all general laws which now are or hereafter may be in force in relation to like corporations. Corporators.

Name.

SECTION 2. The capital stock of said company shall be five hundred thousand dollars, and may be increased to one million dollars by a vote of the stockholders ; and shall be invested in the same kinds of securities in which savings banks are required to invest. Capital stock.

SECTION 3. The said company is hereby authorized and empowered to act, within the limits of this Commonwealth and under the jurisdiction of the courts thereof, as surety upon the official bond of any person to the United States ; to any county, city or town ; to any judge of probate, or other court or magistrate ; to any corporation or association, public or private ; and upon a bond to any person or persons conditioned upon the performance of any trust. Also upon bonds to indemnify against loss any person or persons who are responsible as surety or sureties, upon a written instrument or otherwise, for the faithful performance by others, of any trust, office or duty ; and in any case where, by law or otherwise, two sureties are required upon any obligation which this company is hereby authorized to assure, this company may act as sole surety, if so accepted and approved by the court or magistrate named as the obligee in the bond. To act as surety
upon official
bonds, and upon
bonds to indemnify, etc.

SECTION 4. The amount of the responsibility incurred Amount of

responsibility
to be incurred
by company.

by said company in behalf of any one person, partnership or company, shall not exceed the amount of ten per centum upon its paid in capital; and in the case of bonds of trustees and guardians filed in any probate court of this Commonwealth, shall not exceed on any one bond five per centum of the net assets of the company; nor in the case of bonds by executors or administrators shall it exceed the sum of fifteen thousand dollars upon any one bond.

Reserved fund
for payment of
losses.

SECTION 5. After deducting from the earnings of the company (no part of the premiums received on risks not terminated being considered earnings), and from the income of its invested funds, such an amount as shall have been required for the costs of management, and for such dividends, not exceeding six per centum per annum on the capital stock as the directors may determine upon, the residue shall be annually set apart for the purpose of constituting a reserved fund for the payment of losses, until the said reserved fund shall equal the amount of the capital stock paid in; and in case the reserved fund shall ever be impaired, it shall be made up to the full amount in the manner originally provided; and the said capital stock shall in no case be impaired or diminished until said reserved fund shall have been exhausted: *provided*, that whenever the said reserved fund shall equal the amount of the capital stock paid in, the earnings of the company, over and above the aforesaid dividends of six per centum per annum and the contributions required to keep the said reserved fund entire, may thereafter be divided among the stockholders in the same manner as is provided for joint-stock insurance companies; and *provided, also*, that in closing up the affairs of the said company the amount then standing to the credit of the said reserved fund shall be divided among the stockholders, in proportion to their respective shares.

Proviso.

Returns to
be made as
required of
other like cor-
porations.

SECTION 6. The said company shall make all such returns as are now or may be required by law of other like corporations, and shall be subject to all the provisions of law regarding insurance companies having a specific capital, so far as applicable to this company; and in case doubts should arise as to what are "like corporations," or what are "the provisions of law applicable to this company," within the meaning of this act, it is hereby enacted and declared that the decision of the commissioner of corporations, the savings bank commissioners and the insur-

ance commissioner, or of the major part of them, shall determine such doubts; and the said company shall pay such taxes as may be prescribed by the tax commissioner, who shall be governed by the standard of the highest taxes imposed upon any corporations having analogous powers or purposes.

Payment of
Taxes.

SECTION 7. The said company shall publish within ten days after the first day of January, April, July and October in each year, in two or more newspapers published in the city of Boston, a statement of its assets and liabilities sworn to by one of its officers.

Statement of
assets and li-
abilities to be
published.

SECTION 8. The books and investments of said company shall be open to the inspection of the insurance commissioner, and of the tax commissioner of the Commonwealth; also to the inspection of the stockholders, subject to such limitations as may be prescribed by the by-laws of the company. Every stockholder shall be furnished with a copy of the charter and by-laws of the company.

Books to be open
to inspection of
insurance and
tax commis-
sioners.

SECTION 9. Any member of this company who shall be desirous of selling any of his shares, the executor or administrator of any member deceased, and the grantee or assignee of any shares sold on execution, shall cause such their shares respectively to be appraised by the directors, which it shall be their duty to do on request, and shall thereupon offer the same to them for the use of the company, at such appraised value; and if said directors shall choose to take such shares for the use of the company, such member, executor, administrator or assignee shall, upon the payment or tender to him of such appraised value thereof, and the dividends due thereon, transfer and assign such share or shares to said company: *provided, however*, the said directors shall not be obliged to take such shares at the appraised value aforesaid, unless they shall think it for the interest of the company; and if they shall not, within twenty days after such shares are offered to them in writing, take the same and pay such member, executor, administrator or assignee therefor, the price at which the same shall have been appraised, such member, executor, administrator or assignee shall be at liberty to sell and dispose of the same shares to any person whomsoever.

Shares for sale
may be pur-
chased by the
company.

Proviso.

SECTION 10. This act shall take effect upon its passage.

Approved April 26, 1877.

[1876, 137; 1879, 276.]

Chap. 154 AN ACT authorizing the Treasurer of Worcester County to pay Benjamin D. Dwinnell for Services and Losses connected with the Burning of Fitchburg Jail.

Be it enacted, etc., as follows :

Allowance to
Benjamin D.
Dwinnell.

SECTION 1. The treasurer of Worcester County is hereby authorized, with the approval of the county commissioners of said county, to pay to Benjamin D. Dwinnell the sum of five hundred dollars for services and losses connected with the burning of Fitchburg jail: *provided*, that said sum shall be paid out of the amount collected as the county tax of Worcester County granted this year.

SECTION 2. This act shall take effect upon its passage.

Approved April 26, 1877.

Chap. 155 AN ACT legalizing the Laying Out and Alteration of certain Ways in the Town of Clinton.

Be it enacted, etc., as follows :

Laying out and
alteration of
town ways
legalized.

SECTION 1. The laying out or alteration of all town ways in the town of Clinton for the use of said town, heretofore made by the selectmen or road commissioners and accepted by the inhabitants of said town, is hereby confirmed and made legal to the same extent as though the written notice mentioned in section sixty-one of chapter forty-three of the General Statutes had been given to the owners of land taken therefor.

Assessment
of damages.

SECTION 2. All persons aggrieved by the laying out or alteration of the town ways mentioned in the preceding section may make application for a jury or committee, for the assessment of their damages, at any time within one year from the passage of this act instead of the time fixed by section seventy-three of said chapter forty-three, which last named section, except as herein provided, shall be applicable to all cases arising under this act.

SECTION 3. This act shall take effect upon its passage.

Approved April 26, 1877.

Chap. 156 AN ACT authorizing the Treasurer of Worcester County to pay William O. Brown for Services connected with the Burning of Fitchburg Jail.

Be it enacted, etc., as follows :

Allowance to
William O.
Brown.

SECTION 1. The treasurer of Worcester County is hereby authorized, with the approval of the county commissioners of said county, to pay to William O. Brown the

sum of five hundred dollars for services connected with the burning of Fitchburg jail: *provided*, that said sum shall be paid out of the amount collected as the county tax of Worcester County granted this year.

SECTION 2. This act shall take effect upon its passage.

Approved April 26, 1877.

[1876, 142.]

AN ACT to amend the Charter of the Massachusetts Family Bank. *Chap. 157*

Be it enacted, etc., as follows:

SECTION 1. The capital stock of the Massachusetts Family Bank incorporated by chapter one hundred and forty-two of the acts of the year eighteen hundred and seventy-six, shall be five hundred thousand dollars, in shares of fifty dollars each, which shall be restricted to a semi-annual dividend, never to exceed four per cent. No life insurance policy shall be issued, nor any deposit received, till two hundred thousand dollars of stock have been subscribed, paid in in cash and invested, and such fact is certified by the insurance commissioner.

Capital stock
and shares.

SECTION 2. The time for organizing said bank as a corporation and commencing business is hereby extended one year from the passage of this act.

Time for organ-
izing extended.

SECTION 3. Sections two and three of the act incorporating said bank are hereby repealed.

Repeal.

SECTION 4. This act shall take effect upon its passage.

Approved April 26, 1877.

[1874, 271 ; 1876, 240.]

AN ACT to set off the Town of Winthrop from the Judicial District under the Jurisdiction of the Municipal Court of East Boston. *Chap. 165*

Be it enacted, etc., as follows:

So much of section fourteen of chapter two hundred and seventy-one of the acts of the year eighteen hundred and seventy-four as unites the town of Winthrop to the judicial district under the jurisdiction of the municipal court of the East Boston district, is hereby repealed: *provided, however*, that this act shall not apply to any case pending at the time of its taking effect.

Town of Win-
throp set off
from the judicial
district of the
court of East
Boston.

Approved April 26, 1877.

Chap. 166 AN ACT to authorize the County Commissioners of Bristol County to lay out Highways and build Bridges across Lee's River and Cole's River in the Towns of Somerset and Swanzey.

Be it enacted, etc., as follows :

May build
bridges over
Lee's and Cole's
Rivers.

Subject to
approval of
the harbor
commissioners.

SECTION 1. The county commissioners of Bristol County may, if in their opinion public convenience and necessity require, lay out a highway and construct a bridge over Lee's River between the towns of Somerset and Swanzey in said county and also over Cole's River in said Swanzey, or either of them, above the railroad bridges now existing over said rivers; the plans and locations of said bridges and each of them shall be subject to the approval and direction of the board of harbor commissioners who shall also determine whether either or both of said bridges shall be built without a draw or draws: *provided*, said bridge or bridges can be built without assessing any part of the cost upon the county or towns.

SECTION 2. This act shall take effect upon its passage.

Approved April 27, 1877.

[1879, 241]

[1873, 20 ; 1874, 159 ; 1875, 133.]

Chap. 170 AN ACT to authorize the Boston, Clinton, Fitchburg and New Bedford Railroad Company to issue Preferred Stock.

Be it enacted, etc., as follows :

May issue
preferred stock.

SECTION 1. The Boston, Clinton, Fitchburg and New Bedford Railroad Company is hereby authorized to issue an amount of preferred stock, not exceeding twenty-five thousand shares, of one hundred dollars each, the proceeds thereof to be used exclusively for payment of the debts of the corporation.

Holders of preferred stock to be paid dividends in preference to holders of common stock.

SECTION 2. Such stock shall entitle the holder thereof to be paid dividends thereon semi-annually, in preference and priority to any dividends to be made to the holders of the common stock of said company, at such rate as the net earnings and income of said company for the six months preceding the declaring of such dividend, after paying the interest on the debt of the company, shall be sufficient to pay; not exceeding however the limit which shall be fixed for such dividend by the vote of the stockholders at the meeting at which this act shall be accepted, and in no case exceeding three and one-half per centum semi-annually.

Balance of earnings to be paid in dividends

SECTION 3. If such net earnings and income should be more than sufficient to pay such dividends upon said pre-

ferred stock, the remainder thereof or such portion thereof as may be necessary shall be used in paying a dividend upon the common stock of the Boston, Clinton, Fitchburg and New Bedford Railroad Company, which shall be entitled to the same dividends as the preferred stock, whenever there shall remain sufficient net earnings to pay such dividends upon said common stock, and in no event shall such preferred stock receive a greater semi-annual dividend than the amount so to be fixed by the stockholders, as provided in the second section of this act, unless such dividend shall also be declared and paid upon the common stock of the Boston, Clinton, Fitchburg and New Bedford Railroad Company.

upon common stock.

SECTION 4. Said preferred stock shall first be offered to the stockholders in said company, who shall be respectively entitled to subscribe therefor, at its par value, in proportion to the number of shares held by them.

Preferred stock to be first offered for sale to stockholders.

SECTION 5. For each and every share of the stock hereby authorized which shall be sold or disposed of, it shall be the duty of the president of the corporation to cause to be cancelled one share of the stock now held in the treasury of the corporation, until the stock so held shall all be cancelled, and after nineteen thousand nine hundred and seventy-two shares of the stock hereby authorized to be issued shall have been sold, for each and every share thereof subsequently disposed of, one hundred dollars in amount of the New Bedford Railroad Company mortgage bonds in the possession of the corporation shall be cancelled and retired.

Stock in treasury to be cancelled as new stock is issued.

SECTION 6. This act shall take effect from and after its acceptance by a majority of all the shares present and voting at a legal meeting to be called for the purpose at any time after the passage of this act.

Subject to acceptance by a majority vote.

Approved April 28, 1877.

[1878, 117 ; 1879, 140 ; 1880, 70 ; 1881, 170.]

[1874, 271 ; 1875, 106 ; 1876, 184, 240.]

AN ACT relating to the Civil Jurisdiction of the Municipal Court of the City of Boston. *Chap. 187*

Be it enacted, etc., as follows:

The municipal court of the city of Boston shall have original concurrent jurisdiction with the superior court, of all civil actions and proceedings, (except when the title to

Civil jurisdiction.

real estate is put in issue), wherein the damages demanded or the value of the property alleged to be detained exceed one hundred and do not exceed one thousand dollars, and one or more of the defendants, or in trustee process one or more of the trustees, live or have their usual place of business in the city of Boston. *Approved May 4, 1877.*

[1879, 154, 237 ; 1881, 10, 62, 261.]

[1874, 293.]

Chap. 189 AN ACT to authorize the Holding of Sessions of the First District Court of Bristol, at Attleborough.

Be it enacted, etc., as follows :

Sessions of court to be held at Attleborough daily.

Compensation of justice.

SECTION 1. Sessions of the first district court of Bristol shall be holden daily at Attleborough by one of the special justices of said court for the transaction of criminal business, and on Monday of each week for the transaction of civil business. The justice holding said court shall keep a record of the proceedings had before him, which he shall transmit to the clerk of said court to be by said clerk entered upon the dockets and record books of said court. The justice holding said court shall account with and pay over to the clerk of said court all fines, costs and fees received by said justice. The justice holding said sessions shall be paid at the rate of six hundred dollars per annum from the treasury of Bristol County, to be paid monthly, and the same shall be divided between said special justices, in proportion to the number of sessions held by each.

SECTION 2. This act shall take effect upon its passage.

Approved May 4, 1877.

[1880, 81.]

[1836, 42 ; 1837, 4 ; 1839, 46 ; 1855, 289 ; 1856, 22 ; 1858, 129 ; 1859, 181 ; 1863, 120 ; 1865, 109 ; 1867, 124, 323 ; 1872, 220 ; 1874, 136.]

Chap. 191 AN ACT in addition to an Act establishing the City of Salem.

Be it enacted, etc , as follows :

Health commissioners may be appointed.

SECTION 1. All the power and authority now by law vested in the city council of the city of Salem or in the mayor and aldermen thereof, relative to the public health and quarantine of vessels, shall continue to be vested in said city council to be carried into execution by the appointment of one or more health commissioners ; or in such other manner as the health, cleanliness, comfort and order of the city may in their judgment require, subject to such alteration as the legislature may from time to time

adopt. The powers and duties above named may be exercised and carried into effect by the city council themselves, or by any persons outside of their own body whom they may appoint as a board of health, with or without compensation as said city council may determine; and the city council may constitute either branch, or any committee of their number, whether joint or separate, the board of health for all or for particular purposes.

SECTION 2. Section eleven of chapter forty-two of the acts of the year eighteen hundred and thirty-six is so far amended that the city council of the city of Salem, in the month of January in the year eighteen hundred and seventy-eight, shall choose in convention three assessors, one of whom shall be chosen to serve for one year, one for two years and one for three years, and thereafter in the month of January of each year they shall choose one assessor to serve for the term of three years; and in case any vacancy shall occur the city council shall fill such vacancy by choosing a person to serve for the remainder of the term.

Assessors to be chosen for one, two and three years.

SECTION 3. Sections fifty-one and fifty-two of chapter three hundred and seventy-six of the acts of the year eighteen hundred and seventy-four shall apply to the election of ward officers in the city of Salem, anything in the charter of said city or in any act in amendment thereof to the contrary notwithstanding.

Election of ward officers

SECTION 4. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Repeal.

Approved May 4, 1877.

[1878, 101; 1880, 78.]

[1861, 222; 1862, 66, 166; 1863, 38, 58, 70, 91, 122, 176, 218, 222; 1864, 47, 48, 65, 84, 130, 143, 211, 212; 1865, 82, 151, 180, 235, 274; 1866, 84, 172, 282; 1867, 136; 1868, 107, 115; 1870, 94, 339, 388; 1871, 290; 1872, 324; 1874, 330; 1876, 219.]

AN ACT authorizing Payment of State Aid to Disabled Soldiers and their Families, and the Families of Deceased Soldiers. *Chap. 192*

Be it enacted, etc., as follows:

SECTION 1. The treasurers of cities and towns may, under the direction of the city council or selectmen thereof, pay monthly, state aid to disabled soldiers and sailors, and their dependent relatives, and the dependent relatives of deceased soldiers and sailors, including commissioned officers, having a residence and actually residing in their respective cities and towns, as follows: *provided*, they are, in the opinion of said city council or selectmen, in

State aid for disabled soldiers and sailors.

Proviso.

	such necessitous circumstances as to require further public assistance, and, in case of disabled soldiers and sailors, are so far disabled by their service in the army or navy during the late rebellion, as to prevent them from following their ordinary and usual vocation; <i>provided, also</i> , that city and town authorities shall withhold the aid, when in their judgment any person who is in receipt of a pension from the United States is not in such necessitous circumstances or so disabled, and <i>provided, further</i> , that they are not receiving aid from any other state, nor from any other city or town in this state, and were actual residents of the state of Massachusetts on the twenty-third day of April in the year eighteen hundred and sixty-six.
Proviso.	
Proviso.	
Invalid pensioners.	<i>First.</i> Invalid pensioners of the United States who served in the army or navy, to the credit of the state of Massachusetts, between April nineteenth, eighteen hundred and sixty-one, and September first, eighteen hundred and sixty-five, or, being actual residents of this state at the time of enlistment, served to the credit of any other state between April nineteenth, eighteen hundred and sixty-one, and March eighteenth, eighteen hundred and sixty-two, who have been honorably discharged from said service, a sum not exceeding three-fourths of the amount of the monthly pension they are entitled to receive: <i>provided</i> , if pensioned as commissioned officers, they shall only be paid such proportion of state aid as they would be entitled to receive if their pension were based upon the rank of a private soldier; and that not exceeding six dollars per month be paid to any one of the persons named in this section.
Proviso.	
Widow, children and widowed mother of soldier or sailor dying in service, or dying from wounds or disease contracted during service.	<i>Second.</i> The widow, children and widowed mother of any soldier or sailor dying in the service.
	<i>Third.</i> The widow, children and widowed mother of any soldier or sailor dying after his honorable discharge, of wounds or disease incurred in said service, or dying while in the receipt of a pension from the United States, and the state aid; and the wife, children and widowed mother of any invalid pensioner receiving from the United States one-half the amount allowed for total disability: <i>provided</i> , such children are under the age of fourteen years, whether the allowance be made under the provisions of this or any other act or resolve; and <i>provided</i> , in all cases, said soldiers and sailors served to the credit of the state of Massachusetts between the nineteenth day of April,
Proviso.	
Proviso.	

eighteen hundred and sixty-one, and the first day of September, eighteen hundred and sixty-five, or, being inhabitants of this state at the time of their enlistment, served to the credit of any other state, between the nineteenth day of April, eighteen hundred and sixty-one, and the eighteenth day of March, eighteen hundred and sixty-two, the sum of four dollars each, *provided*, that not exceeding eight dollars shall be paid to all those who were dependent upon such soldier or sailor, and that no aid shall be paid to any such wife or widow of a discharged soldier or sailor, unless married to him prior to his final discharge, nor to any such child of a discharged soldier or sailor, unless born prior to his final discharge.

Proviso.

Fourth. The widow or wife, children and widowed mother of any officer, soldier or sailor who served as aforesaid to the credit of the state of Massachusetts, between April nineteenth, eighteen hundred and sixty-one, and September first, eighteen hundred and sixty-five, and who appears on the rolls of his regiment or company, in the office of the adjutant-general, to be missing or to have been captured by the enemy, and who has not been exchanged, or has not returned from captivity, or who is not known to be alive: *provided*, that aid shall not be paid to said relatives of such officer, soldier or sailor, if the municipal authorities have good and sufficient reasons to believe that he deserted from the service, or that he is still living and wilfully absent from his family, or if said relatives receive aid from any other state, or from any other town under the provisions of this act.

Widow, children, etc., of missing soldier.

Proviso.

Fifth. Persons who were receiving state aid prior to April eleventh, eighteen hundred and sixty-seven, and who were precluded therefrom by the provisions of the act of that date: *provided*, said city council or selectmen are satisfied, upon evidence first reported to the commissioners named in section seven and satisfactory to them, that justice and necessity require a continuance of the aid to prevent actual suffering.

To persons precluded by act passed April 11, 1867.

Proviso.

Sixth. The word "children," wherever used in this statute, shall include any child or children born after the death of the father in the service of the United States, for the benefit of whom any city or town shall pay state aid as provided by chapter two hundred and nineteen of the acts of the year eighteen hundred seventy-six.

The word "children" defined.

SECTION 2. Persons applying for aid under this act

Mode of appli-

cation for state aid.

shall state in writing, under oath, the age and residence of the party for whom such aid is claimed; the relation of the claimant to the party who rendered the service for which aid is claimed; the company and regiment or the vessel in which the officer, soldier or sailor enlisted, and that in which he last served; the date and place of such enlistment, when known; the duration of such service; and the reason upon which the claim for aid is founded. And it shall be the duty of the auditor to furnish from time to time, to each city and town, a sufficient number of suitable blank forms for the use of applicants for aid under this act.

Blanks for use of applicants.

State aid not to be assigned or subject to trustee process.

SECTION 3. All aid furnished under the provisions of this act shall be solely for the benefit of the person for whom it is intended, and shall be paid to said person directly or upon his or her order; and it shall not be subject to trustee process nor assigned. And no transfer of said aid heretofore made shall be recognized in settlement of the same: *provided, however*, the treasurers of cities and towns may, under the direction of the city council or selectmen thereof, pay the sums due for aid to any officer, soldier or sailor, or so much thereof as they may think best, to the wife or family of such officer, soldier or sailor, or for the benefit of such wife or family; and the amounts so paid shall be reimbursed in the same manner as if paid to such officer, soldier or sailor in person.

Proviso.

Aid to be discontinued if person is convicted of a criminal offence.

SECTION 4. If any person to whom the aid is paid shall be convicted of any criminal offence at common law, or under the statute of this Commonwealth, said aid shall be discontinued to said person, unless or until the municipal authorities shall in their discretion otherwise determine.

Applicants for aid in town where not credited.

SECTION 5. When applicants for aid have their residence in a city or town to which they are not credited, notice of their application shall be forthwith sent by such town to the place to which said applicants are credited; and if an answer to such notice, setting forth all the facts touching the application necessary to be known by the town to which application is made, is not sent by mail within seven days from the receipt of the same, the city or town in which such applicants reside may recover in an action of contract against the town or city so neglecting to answer, all such sums as they may advance to such applicants not reimbursed by the state.

Cities and towns may raise money by taxation.

SECTION 6. Any town or city may raise money by taxation or otherwise, and if necessary apply the same for the

purpose set forth in this act; and no persons entitled to aid under the provisions of this act shall receive said aid prior to the date of their application.

SECTION 7. The auditor, the adjutant-general and the surgeon-general of the Commonwealth, shall constitute a commission to decide upon all questions which may arise in the payment of aid, between the municipal authorities and disabled soldiers claiming the aid; and in all cases their decision shall be final. Commission.

SECTION 8. On or before the fifth day of January in each year there shall be deposited in the office of the auditor of the Commonwealth, by each town and city raising and applying money as aforesaid, a full and particular report, setting forth the names of the officers, soldiers and sailors for the aid of whom and for the aid of whose families money has been applied as aforesaid, the name of the company and regiment and the name of the vessels in which such officers, soldiers and sailors respectively enlisted, and in which they last served, and the names and ages of the several persons for the aid of whom money has been applied as aforesaid, the relation such persons severally bear to such officers, soldiers or sailors, the sums paid to each of such persons, and the time when the same were paid; and such report shall be sworn to by a majority of the selectmen of such town, or by the mayor and a majority of the aldermen of such city; and after it has been examined and approved by said auditor, there shall be reimbursed annually to said city or town, from the treasury of the Commonwealth, on or before the first day of December in the year in which the report is made, the amount legally paid as aforesaid, in accordance with the provisions of this act; but none of the expenses attending the payment of said aid shall be reimbursed. The auditor of the Commonwealth shall, before the first day of January in each year, furnish to the several cities and towns suitable blanks for the returns required by this section. Returns to be made to the auditor, of amounts paid, etc.

SECTION 9. It shall be the duty of the commissioners constituted by section seven to inspect all such returns, and whenever it shall appear by the inspection thereof, or otherwise, that the amount paid by the treasurer of any city or town under the provisions of this act, for any quarter or greater period of time, is at a rate which, if continued for one year, would exceed the proportion of fifty per centum of the state tax of such city or town for the Auditor to furnish blanks for returns.

Commissioners to examine returns from towns and cities.

previous year, or if for any reason the amount so paid shall appear to be unreasonably large, it shall be the duty of said commissioners to make, or cause to be made, an examination of the persons or claims of persons to whom the same has been paid, and of the parties by whom said returns are made; and in all cases of any fraud or neglect of duty on the part of the persons making such returns, or of the authorities of any city or town granting aid, said commissioners shall deduct from the amount claimed by any city or town the amount paid to any person or persons, when in their judgment the same should not have been paid under the provisions of this act, and shall certify the same to the treasurer and receiver-general who shall reimburse to said city or town only the balance thus designated.

Expenses of
examination.

Said commissioners may appoint, as occasion may require, one or more disinterested persons, not exceeding three in number, whose duty it shall be to make the examinations provided for in this section, and make full returns of their doings to said commissioners. Such expenses as may be incurred in making said examination, including such reasonable compensation to the persons appointed under the provisions of this section for their services as shall be approved by the commissioners and allowed by the governor and council, shall be paid out of the treasury of the Commonwealth. No person shall be appointed to make such examinations in the county where he may reside.

Provisions of
act to extend
till Jan. 1, 1880.

SECTION 10. The provisions of this act shall continue till the first day of January in the year eighteen hundred and eighty, and no allowances of state aid by special acts or resolves shall be extended beyond said date.

Repeal.

SECTION 11. Chapters one hundred and seventy-two and two hundred and eighty-two of the acts of the year eighteen hundred and sixty-six, one hundred and thirty-six of the acts of the year eighteen hundred and sixty-seven, one hundred and seven and one hundred and fifteen of the acts of the year eighteen hundred and sixty-eight, three hundred and thirty-nine and three hundred and eighty-eight of the acts of the year eighteen hundred and seventy, two hundred and ninety-nine of the acts of the year eighteen hundred and seventy-one, three hundred and twenty-four of the acts of the year eighteen hundred and seventy-two, except section two of said act, three hundred

and thirty of the acts of the year eighteen hundred and seventy-four, and two hundred and nineteen of the acts of the year eighteen hundred and seventy-six, are hereby repealed.

SECTION 12. This act shall take effect upon its passage.

Approved May 4, 1877.

[1878, 282; 1879, 1, 252, 301; 1881, 26.]

AN ACT to establish the Board of Registrars of Voters of the City of Worcester, and to regulate the Preparation and Revision of the Voting Lists in said City.

Chap. 193

Be it enacted, etc., as follows:

SECTION 1. There shall be elected by the city council of the city of Worcester, as soon as may be after the passage of this act, and biennially thereafter in the month of February or March, one able and discreet person, an inhabitant of said city, who shall hold no other office or position by election or appointment under the government thereof, and who shall hold his office for two years and until another shall be elected in his place, who, together with the city clerk and the clerk of the board of assessors of said city, shall constitute a board of registrars of voters. The person elected as above shall serve as clerk of the board, and in case of a vacancy by reason of death, resignation or removal, the city council shall elect a person qualified as aforesaid to hold the office for the residue of the term.

Registrars of voters to be elected.

SECTION 2. The registrars shall, in addition to the duties imposed upon them by this act, perform all and singular the duties devolved upon the mayor and aldermen or board of aldermen by any general or special laws which now are or hereafter may be in force respecting the preparation, correction, revision, publication and transmission to the ward officers, of the alphabetical lists of voters to be used at elections in said city, and all the powers so conferred and all the duties and liabilities so imposed upon the mayor and aldermen or board of aldermen of said city in relation to the preparation, correction, revision, publication and transmission of said lists, are hereby conferred and imposed exclusively upon said registrars.

To prepare and revise voting lists.

SECTION 3. The registrars shall, before entering upon the duties of their office, take and subscribe an oath faithfully to perform the same. They shall receive such compensation as the city council may from time to time

Registrars to be sworn.

Compensation.

determine, but such compensation shall not be regulated by the number of names registered on any list of voters, and any reduction of compensation shall take effect upon such registrars only as shall be elected after such reduction.

To prepare
alphabetical
lists of voters.

SECTION 4. The registrars shall prepare, correct, revise and publish, in accordance with this act and with the laws of the Commonwealth, the alphabetical lists of voters of each ward, and the collectors of taxes of said city shall make the return now required by law to be made to the mayor and aldermen, to the board of registrars of voters, and all assessors and collectors of taxes of said city shall furnish any information in their possession necessary to aid the registrars in the discharge of their respective duties.

Registration
to cease at ten
o'clock in the
evening of the
seventh day
preceding
election.

SECTION 5. All registration of voters in said city shall cease at ten o'clock in the evening of the seventh day next preceding the day of any election; and no name shall thereafter be entered on the voting lists of said city except as provided in section ten of chapter three hundred and seventy-six of the acts of the year eighteen hundred and seventy-four. And the registrars shall, at least twenty-four days previous to the day of the annual state election, cause notices of the time of closing, together with printed lists of the voters in each ward, to be posted in one or more places in such ward, with notices thereon stating the place and hours in which they will hold sessions to correct and revise the lists; and such sessions shall be held in some place convenient to the voters, three or more hours daily, for at least twelve days within the twenty-four days immediately preceding the annual state election, and in addition, six evening sessions, of at least two hours' length each, shall be held within the said twenty-four days.

Naturalized
citizens.

SECTION 6. The registrars, before entering upon the voting list the name of a naturalized citizen who is an applicant for registration, shall require him to produce for their inspection his papers of naturalization, and shall be satisfied that he has been legally naturalized, and they shall also require such applicant to make oath that he is the identical person to whom said papers were issued; but they need not require the production of such papers after they have once examined and passed upon them.

Office room, etc.,
to be furnished.

SECTION 7. The city council shall furnish office room for the registrars, and such aid as shall be necessary for carrying out the provisions of this act.

SECTION 8. Whoever gives a false name or a false answer to any registrar concerning any matter relating to the registration of voters, or to the right of any person to vote, shall incur the same penalty which is provided by law for giving a false name or a false answer to the selectmen of towns when in session to correct the list of voters.

Penalty for giving false answer.

SECTION 9. Any registrar who wilfully neglects or refuses to perform the duties of his office shall, for each offence, forfeit a sum not exceeding two hundred dollars.

Penalty on registrar for neglect.

Approved May 4, 1877.

[1873, 206.]

AN ACT relating to the Scituate Beaches.

Chap. 196

Be it enacted, etc., as follows :

The penalty imposed by section one of chapter two hundred and six of the acts of the year eighteen hundred and seventy-three, for the offence of removing material from the beaches of Scituate, shall not be incurred by the inhabitants of said town who remove said material to use for building or domestic purposes, with the consent and under the direction of the harbor commissioners.

Material may be used for building purposes, with consent of harbor commissioners.

Approved May 4, 1877.

[1846, 231 ; 1847, 252 ; 1849, 170, 194 ; 1850, 268 ; 1851, 297 ; 1855, 105 ; 1856, 233 ; 1858, 60 ; 1861, 155 ; 1863, 116 ; 1864, 310 ; 1865, 171, 275 ; 1866, 142, 266, 278 ; 1867, 75, 83, 170, 284 ; 1868, 145 ; 1869, 406, 450, 456, 461 ; 1870, 404, 408 ; 1871, 141, 343, 372 ; 1872, 144 ; 1873, 289 ; 1874, 249, 334, 387.]

AN ACT in relation to the Brookline Station of the New York and New England Railroad Company.

Chap. 197

Be it enacted, etc., as follows :

SECTION 1. The board of railroad commissioners is hereby authorized, upon the petition of twenty legal voters of the town of Brookline, after due notice to the New York and New England Railroad Company, and such hearing as said board shall deem expedient, if in the judgment of said commissioners the duties and obligations of said company or the public exigency require it, to order said company to construct within three months from the date of said order, and thereafter to maintain upon its railroad at or near Cypress Street in said Brookline, a station-house reasonably commodious for the use of passengers, together with sufficient platforms, and containing a ticket office and separate apartments for men and women ; and also to stop at such station after said three months, all or a specified

Commissioners may order establishment of station near Cypress Street, in Brookline.

portion of its passenger trains crossing said Cypress Street.

Penalty for refusal to comply with order.

SECTION 2. In case of the neglect or refusal of said company to comply with and fulfil all the requirements of said order, a copy of which shall be delivered by said board to the president, or some other officer of said company within ten days from its date, the supreme judicial court or any justice thereof, sitting in equity in any county, shall have full power forthwith to make and issue such orders and decrees in the premises as may be necessary to compel specific performance of the terms of said order by said company; and for every month's delay, neglect or refusal on the part of said company, to comply with and fulfil all the requirements of said order, said company shall forfeit and pay, in addition, the sum of two hundred dollars, to be recovered to the use of said town in an action of tort brought by the selectmen in the name of said town.

SECTION 3. This act shall take effect upon its passage.
Approved May 4, 1877.

[1878, 111, 118 ; 1879, 67, 271; 1880, 17, 260.]

Chap. 202

AN ACT relative to the Employment of Persons confined at Deer Island and Rainsford's Island in Boston Harbor.

Be it enacted, etc., as follows :

City of Boston may erect buildings on Winthrop Farm in Winthrop.

SECTION 1. It shall be lawful for the city of Boston to erect, upon the " Winthrop Farm " so called, now owned by the city of Boston, and situated in the town of Winthrop, buildings for the use of such of the persons confined in the house of industry at Deer Island, and of the inmates of the almshouse on Rainsford's Island, in Boston Harbor, as may be employed to advantage in work upon said farm.

Inmates of house of industry and almshouse may be employed on farm.

SECTION 2. It shall be lawful for the authorities having charge of the persons so confined, and of the said inmates of the almshouse, to cause them from time to time to be transported to said " Winthrop Farm," and to be placed in said buildings, and employed upon said farm, and to be transported back, and the persons so confined shall be deemed during their transportation to said " Winthrop Farm," their stay thereon and their transportation back, to be within the limits of the said house of industry, and shall not be deemed to have committed an escape. But if any person so confined shall during said transportation to said

Escape during transportation.

"Winthrop Farm," his stay thereon or his transportation back, escape from the control of such authorities, he shall be deemed to have committed an escape, and be liable to the penalties therefor.

SECTION 3. Nothing contained in this act shall be construed to exempt said farm from taxation by the town of Winthrop. Farm not exempt from taxation.

SECTION 4. This act shall take effect upon its passage.

Approved May 9, 1877.

[1838, 136.]

AN ACT to provide a Clerk for the Police Court of Gloucester.

Chap. 212

Be it enacted, etc., as follows :

SECTION 1. The governor, with the advice and consent of the council, shall nominate and appoint a clerk of the police court of Gloucester, who shall hold his office for the term of five years unless sooner removed by the governor and council. Clerk to be appointed.

SECTION 2. Said clerk shall perform all the duties now prescribed by the General Statutes for clerks of police courts; and all the provisions of law now applicable to clerks of police courts shall apply to said clerk. Duties.

SECTION 3. Said clerk shall receive an annual salary of eight hundred dollars, to be paid from the treasury of the Commonwealth during the current year, and thereafter by the county of Essex. Salary.

Approved May 11, 1877.

AN ACT to enable the City of Boston to abate a Nuisance existing therein, and for the Preservation of the Public Health in said City, and for other purposes.

Chap. 217

Be it enacted, etc., as follows :

SECTION 1. The city of Boston may purchase or otherwise take, for the purpose of abating the nuisance now existing in and about the Roxbury Canal, so called, the lands and easements, with the buildings and other fixtures thereon, situate and lying within the district hereinafter bounded and described, to wit:—commencing at the junction of Harrison Avenue and the northerly line of East Chester Park, and thence running by said northerly line of East Chester Park produced in an easterly direction across the said Roxbury Canal to Swett Street, thence by the northerly line of Swett Street to Northampton Street, thence by the northerly line of Northampton Street to City of Boston may take land to abate a nuisance.

To file in registry of deeds a description of the land taken.

Harrison Avenue, and thence by the easterly line of Harrison Avenue to the point of beginning. Said city shall within sixty days from the time it shall take said lands or easements, file in the office of the registry of deeds for the county of Suffolk a description of the lands or easements so taken as certain as is required in a common conveyance of lands, and a statement that the same are taken pursuant to the provisions of this act; which said description and statement shall be signed by the mayor of said city, and the title to all lands and easements so taken shall vest in the city of Boston, and if any party whose land or easement is taken, shall agree with the said city upon the damage done to him by the said taking, the same shall be paid to him by the said city forthwith. And it shall be the duty of the city of Boston forthwith to raise the grade of said territory so purchased or taken, by filling up the same, including that portion of the Roxbury Canal lying within the described district, with good clean earth or gravel, and with reference to a complete drainage thereof, so as to abate the present nuisance, and to preserve the health of the city.

Complainant for damages may file bill in equity in S. J. C.

SECTION 2. Any person entitled to any estate or easement in any part of the lands so taken, may at any time within one year from the time when the same shall be taken, as well in his own behalf as in behalf of all other persons having estates in the lands or easements so taken, file a bill in equity in the supreme judicial court in the county of Suffolk, setting forth the taking of the complainant's land or easement by the city of Boston, and whether the complainant claims any and what damages against the city of Boston for said taking, and against said city or any other corporation or persons by reason of any and what wrongful act or omission by their causing a diminution in the value of his land or easement at the time of said taking, and praying an assessment of damages against the city of Boston for said taking, and against such parties for said diminution. And upon the filing of such a bill said court shall cause notice of the pendency of said bill to be given to the parties named therein as defendants according to the course of courts of equity; and also public notice thereof to all persons in whose behalf such bill shall be filed, to appear and become parties thereto if they shall see fit to do so. Said court shall prescribe how such public notice shall be given, and what length of time shall be allowed for

Notice of pendency of bill to be given to defendants.

appearing and becoming a party to such suit. Any party failing so to appear and to become a party within the time prescribed by the court, shall be forever barred from recovering any damages on account of such taking. Each person so appearing and becoming a party shall file a written description of the land in which he claims an estate, together with a plan thereof so as clearly to distinguish the same from all other lands, and shall also declare what estate he claims therein. If he claims that the value of said land or easement at the time of taking the same was lessened by any unlawful act or omission of the city of Boston or any other corporation or person, so that the value of the land or easement in its condition when taken would not be a just compensation for all the estate and rights of the party in, and in reference to the same, such party shall also state what such injury is, and how and by whom the same had been or is caused, and what right or title of the party is violated.

SECTION 3. Upon the expiration of the time allowed for appearance to the said bill, the said court shall appoint three commissioners, who shall receive such compensation as the said court shall fix, to be paid by the city of Boston.

SECTION 4. It shall be the duty of the said commissioners after due notice to hear each of the said parties including the said city of Boston, and other parties named as defendants, and to assess and award the value at the time of the taking of each parcel of the said land and of any easement claimed by any party so appearing which shall be taken by said city; and the amount in gross, if any, of damages done to such parcel of land or such easement by reason of any unlawful act or omission of the city of Boston or any other party defendant, affecting its value at the time of said taking. And the said commissioners shall make or cause to be made a survey of the lands of the complainant and other parties to such bill, and of all other lands adjacent and owned by other parties whose rights may be affected in determining the lines of such complainants' lands; and said commissioners shall determine the boundary lines of all such lands within said district, and report to the court the boundaries established for each owner of such lands, with a plan of the several portions of land within said district, showing the lines established for each owner, which plan after its approval shall by order of the court, be recorded in the registry of deeds for the county of Suffolk.



Commissioners may be appointed, to be paid by the city.

To hear the parties and assess damages.
Assessment of damages.

To report to the court within three months after hearing.

SECTION 5. Said commissioners or the major part of them shall within three months after said hearing make report to the said court of their doings, and, when requested by any party, of the evidence touching any exception intended to be taken by him.

Party aggrieved may apply for a jury.

SECTION 6. Any party aggrieved by any findings or doings of said commissioners may apply for a jury to revise the same, by petition to the supreme judicial court at the same term thereof at which said commissioners shall make their report, and thereupon said court shall order a trial by jury to be had at the bar of the court in the same manner in which trials are held in the superior court to assess the damages for land taken for the laying out of highways in the county of Suffolk. And any party aggrieved by any ruling of law made by said commissioners or by said court may except to said ruling and have the exceptions heard and determined by the said court sitting in banc according to its course as a court of equity.

Damages to be assessed as in taking land for highways.

The respective rights and remedies of persons having different or separate interests or estates in the same property, as to the disposition of the damages awarded or agreed to under this act, and the manner of assessing damages for the taking of such property, shall be in all respects the same as they now are in the case of property taken for laying out highways.

When amount of damage to a party is ascertained, execution to issue.

SECTION 7. When it shall be finally determined what amount of damages any party is entitled to recover against the city of Boston, or any other party defendant, a separate decree shall be entered accordingly, and execution therefor shall be issued without regard to the pendency of the claims of any other party or parties.

Costs when a jury trial is had.

SECTION 8. If any party shall apply for and obtain a trial by jury, he shall recover his legal costs if the award of the commissioners shall be altered in his favor; otherwise he shall be liable for the legal costs of the other party or parties.

Liability of city for damages caused by raising, etc., territory.

SECTION 9. Nothing in this act shall be construed as exempting the city of Boston from any obligation it would otherwise be under, to make compensation to the owners of lands abutting on or near to the territory described in the first section of this act, for any injury it may do to such lands in any acts of raising, filling or draining said territory or any part thereof.

Court may make

SECTION 10. Said court may make all orders and

decrees necessary to carry into effect the intent of this act, and may at its discretion, at any stage of the proceedings, order a party to give security for the payment of damages or costs.

all necessary orders and decrees.

SECTION 11. All legal costs which shall accrue in the proceedings under this act, not otherwise provided for, shall be paid as the said court shall order.

Costs to be paid as court shall order.

SECTION 12. The city of Boston is hereby authorized to lay railway tracks through any street or streets of said city and across tide water, and to maintain them, so long as it may be necessary, to enable them to transport earth and other materials to fill up the district aforesaid under the provisions of this act.

City may lay railway tracks through streets.

SECTION 13. All lands or easements taken under this act otherwise than by purchase shall be taken within two years, and all filling and grading done under this act shall be done within three years, from the passage thereof.

Lands to be taken within two years.

SECTION 14. On and after the completion of the work to be performed under this act, the sewers or drains now discharging into said canal within the limits of that portion thereof authorized to be filled, shall be discharged elsewhere and shall not thereafter be discharged into any part of said canal.

Sewers and drains.

SECTION 15. This act shall take effect upon its passage.

Approved May 11, 1877.

[1879, 98.]

AN ACT to incorporate the Trustees of the Soldiers' Home in Massachusetts.

Chap. 218

Be it enacted, etc., as follows :

SECTION 1. Horace Binney Sargent, Alexander H. Rice, William Gaston, Charles Devens, George S. Evans, George H. Patch, James F. Meech, Edward T. Raymond, Samuel Dalton, Andrew J. Bailey, Henry Wilson, Jr., William S. Brown, Joseph F. Lovering, Cyrus C. Emery, J. G. B. Adams, John McKay, Jr., E. G. W. Cartwright, Charles W. Wilcox, their associates and successors, chosen as hereinafter provided, are hereby made a corporation by the name of "The Trustees of the Soldiers' Home in Massachusetts," and said trustees shall from time to time, as they may by their by-laws prescribe, elect such officers as they may judge necessary, and prescribe the terms and duties of such officers, and they shall fill by election all vacancies in said trustees as they may occur; but the

Corporators.



Name.

whole number of said trustees shall never exceed eighteen, fifteen of whom shall be members of the voluntary association known as the Department of Massachusetts, Grand Army of the Republic; and whenever any vacancy shall occur among said fifteen, the remaining trustees shall select from the persons composing for the time being the council of administration of said Department of Massachusetts, Grand Army of the Republic, a trustee to fill said vacancy.

Trustees to hold and manage property.

SECTION 2. Said trustees may receive, hold, manage and convey such real and personal estate, not exceeding in all two hundred thousand dollars, as they may acquire by gift, grant, purchase or otherwise, for the purpose of maintaining in this Commonwealth a home for deserving soldiers and sailors and such members of their families as said trustees may deem proper, and under such conditions and regulations as said trustees may from time to time prescribe. Said trustees shall be subject to the duties and liabilities and shall have the powers and privileges set forth in all general laws which now are or hereafter may be in force applicable to such corporations so far as they are not inconsistent with this act.

Powers and duties.

SECTION 3. This act shall take effect upon its passage.

Approved May 11, 1877.

[Accepted Nov. 10, 1880.]

[1871, 373.]

Chap. 219 AN ACT to enforce the Provisions of Chapter Three Hundred and Three of the Acts of the Year Eighteen Hundred and Seventy-one, in relation to Green Harbor Marsh in Marshfield.

Be it enacted, etc., as follows:

S. J. C. sitting as a court of equity to hear and determine rights of parties.

The supreme judicial court sitting as a court of equity, shall have full jurisdiction to hear and determine the rights of all parties under chapter three hundred and three of the acts of the year eighteen hundred and seventy-one, entitled "An Act for the improvement of Green Harbor Marsh in the town of Marshfield and for other purposes," and to enforce the provisions of said act.

Attorney-general to bring bill in equity to compel removal of obstructions.

And the attorney-general, upon the petition or request of the board of harbor commissioners, is hereby authorized and directed to bring in the name and behalf of the Commonwealth a bill in equity, or other proper process, to compel any and all parties liable under said act so to do, to remove the shoaling or other obstructions in the channel in Green Harbor River.

Approved May 11, 1877.

[1846, 118.]

AN ACT to dissolve the Weymouth Fire District, and to authorize the Sale of its Property. *Chap. 220*

Be it enacted, etc., as follows :

SECTION 1. The Weymouth Fire District established under chapter one hundred and eighteen of the acts of the year eighteen hundred and forty-six, may sell or otherwise dispose of any and all its real and personal property, as the majority of the voters of said district present and voting at a meeting duly called for that purpose may direct, and after applying the proceeds of said property to the payment of its indebtedness, may then, in case any debts remain unpaid, raise by taxation sufficient money to pay the same, and may also choose all officers and do all acts necessary to carry the foregoing provisions into effect.

May sell property and raise money by taxation, to pay indebtedness.

SECTION 2. Except for the purposes expressly provided for in the preceding section said district is hereby dissolved.

District dissolved.

SECTION 3. This act shall take effect upon its acceptance by a majority of the voters of said district, present and voting at a meeting duly called for that purpose, on or before the first day of September in the current year.

Subject to acceptance by voters of district.

Approved May 11, 1877.

[1870, 110.]

AN ACT in addition to an Act to incorporate the Vineyard Grove Company. *Chap. 221*

Be it enacted, etc., as follows :

SECTION 1. The Vineyard Grove Company is hereby authorized to reduce its capital stock to an amount not less than one thousand dollars, and increase the same to an amount not exceeding one hundred thousand dollars, and to make and collect assessments on the same, and issue general and special stock; subject to the provisions of chapter two hundred and twenty-four of the acts of the year eighteen hundred and seventy, and of all acts in addition thereto or in amendment thereof, so far as the same may be applicable.

May reduce and increase capital stock.

SECTION 2. This act shall take effect upon its passage.

Approved May 11, 1877.

Chap. 222 AN ACT to incorporate the Old South Association in Boston, and to provide for the Preservation of the Old South Meeting-House.

Be it enacted, etc., as follows :

Corporators.

SECTION 1. The governor of the Commonwealth, the mayor of the city of Boston, the president of Harvard College, the president of the Massachusetts Historical Society, the president of the American Antiquarian Society, and the president of the New England Historic-Genealogical Society, *ex officio*, and William Gaston, John Lowell, Samuel E. Sewall, Edmund Quincy, Samuel A. Green, Henry Lee, Martin Brimmer and John D. Long, and their associates and successors, are hereby made a body corporate by the name of the Old South Association in Boston, for the purpose of acquiring and holding the Old South Meeting-House in Boston and the land under and adjacent to the same upon the corner of Milk Street and Washington Street in said city, for public, historical, memorial, educational, charitable and religious uses and none other, with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in chapter sixty-eight of the General Statutes and acts in addition thereto. Said corporation shall have the power to take and appropriate to the uses of said corporation, said meeting-house and land or any interest therein: *provided*, that in case it shall exercise said power, it shall within sixty days from the time of said taking and appropriation, file in the registry of deeds for the county of Suffolk a description of the premises so taken as certain as is required in a common deed of conveyance of land ; and any party aggrieved thereby shall have the right to apply for a jury to assess the damages sustained by him, in the manner and with the effect provided in the seventy-ninth section of chapter forty-three of the General Statutes, and upon the payment of all damages so assessed to the parties entitled thereto, or upon the failure to apply for a jury during the time limited by law, the title to said meeting-house and land shall vest in said corporation. And said corporation shall also have power, until the foregoing powers are exercised, to take a lease of said meeting-house and land, or the interest so taken, and hold the same thereunder for the purposes aforesaid.

Name and purpose.

Powers and duties.

To file in registry of deeds a description of the land taken.

Board of managers.

SECTION 2. The officers of said corporation shall consist of a board of managers, the number of which shall be fixed by the by-laws, and of which the six first named in

this act shall be members *ex officio*, and two shall be elected annually by the city council of the city of Boston, and the rest shall be elected by the members of the corporation; and said managers shall elect one of their number president, and shall also elect a secretary and a treasurer. All officers shall hold over until others are chosen in their stead. New members may be admitted in such manner as the by-laws shall provide.

Admission
of members.

SECTION 3. Said corporation may make contracts with the Commonwealth for the use of said meeting-house for the annual election sermon, and with the Commonwealth or the city of Boston for its use for any public purposes not inconsistent with the provisions of this act.

Building may
be used for
certain public
purposes.

SECTION 4. Said meeting-house and land shall be exempt from taxation while said meeting-house shall be used for any of the purposes aforesaid, and shall be exempt from any tax for the year eighteen hundred and seventy-seven.

To be exempt
from taxation.

SECTION 5. This act shall take effect upon its passage.

Approved May 11, 1877.

[1873, 264.]

AN ACT to authorize the Boston Land Company to make certain Improvements in Boston Harbor, and authorizing the Harbor Commissioners to grant to said Company certain Flats in said Harbor.

Chap. 225

Be it enacted, etc., as follows :

SECTION 1. The Boston Land Company are hereby authorized to construct a ship channel not less than three hundred feet wide and twenty-three feet deep at mean low water, from any channel near Governor's Island in Boston Harbor to some point at or near the shore on the southerly side of Breed's Island, in such manner and in such location as the harbor commissioners shall approve. Upon the construction of such ship channel to the satisfaction of the harbor commissioners within six years from the passage of this act, said commissioners shall, by deed executed in the name and behalf of the Commonwealth, grant to said Boston Land Company all the estate of the Commonwealth in the territory in tide-water, bounded westerly by the line of the ownership of the flats of the shore owners on the easterly shore of East Boston between Sumner Street and Breed's Island; northerly by the flats of the Boston Land Company on the southerly shore of Breed's Island and the flats of the shore owners on the westerly shore of

May construct
a ship channel
subject to direc-
tion of harbor
commissioners.

Commissioners
may grant estate
to land company
upon comple-
tion of channel.

Land company
may build
wharves and
docks.

May lay out and
build streets and
ways.

Legal rights not
to be impaired.

the town of Winthrop; easterly by a line extending from the line of mean high water on said westerly shore of said town of Winthrop to the line of mean high water on the westerly shore of Governor's Island; and southerly by such line as the harbor commissioners shall determine proper for a permanent harbor-line, beyond which no wharf or other structure ought to be built; or in so much and such portions of said territory as the harbor commissioners by agreement in writing made with said company in the name and behalf of the Commonwealth, subject to the approval of the governor and council, shall, at any time after the passage of this act, agree to grant under and upon the terms of the same; and said company are hereby authorized to build wharves and other structures upon piles or otherwise, sea-walls, docks, basins, warehouses, elevators and other buildings, and fill land with solid material and dredge within the limits of the flats belonging to said company on the southerly side of Breed's Island, within the limits to be described in said agreement, of the territory to be granted under this act and within the limits approved by said harbor commissioners, of such flats belonging to shore owners on said easterly shore of East Boston, and of such flats belonging to shore owners on the westerly shore of said town of Winthrop, as shall be acquired by said company; and said company shall have the right to lay out and build streets and ways and to lay down and use railroad tracks upon such territory and flats within the limits aforesaid, and to lay vessels at the ends and sides of their wharves or water frontage constructed under this act, and to receive wharfage and dockage therefor, and to maintain and keep open and convenient for navigation at all times the ship channel said company are herein authorized to construct: *provided, however,* that nothing herein shall be construed to impair the legal rights of any person or corporation; and *provided, further,* that all authority conferred by this act shall be exercised subject to the provisions of the four hundred and thirty-second chapter of the acts of the year eighteen hundred and sixty-nine, and that said company shall pay into the treasury of the Commonwealth such compensation for the territory of the Commonwealth in tide-water granted under the authority of this act as the governor and council shall determine to be just and equitable, and *provided, further,* that in making the improvements herein

authorized, provision shall be made for the flow of tide-water into and from Belle Isle Inlet by a proper channel therefrom into Boston Harbor, under the direction, and to the satisfaction of the harbor commissioners, and *provided, further*, that no grant shall be executed of the interest which the Commonwealth may have in the territory described herein until the claim of the East Boston Company to any part thereof has been examined by the attorney-general, and report made thereon by him to the legislature.

Proviso.

SECTION 2. The determination by the governor and council, of what compensation shall be paid into the treasury of the Commonwealth for the territory the grant whereof is herein authorized, shall be made on the request of said company before beginning to construct said ship channel, but shall not be binding upon said company until accepted by said company in writing, and the payment of such compensation shall not be required until the execution to said company by said harbor commissioners of the grant hereinbefore authorized: *provided, however*, that until such determination of the governor and council is accepted in writing by said company no work shall be done by said company under the authority of this act.

Compensation to be determined before commencement of construction.

Proviso.

SECTION 3. The board of harbor commissioners, with the approval of the governor and council, may authorize said company to make any of the improvements authorized by this act, anywhere within the limits of the ownership of the flats said company shall acquire from any of the shore owners on the easterly shore of East Boston, any act establishing a harbor line on said shore to the contrary notwithstanding.

Commissioners may permit improvement of flats acquired from shore owners.

Approved May 14, 1877.

[1832, 163; 1870, 238; 1871, 202; 1874, 252; 1875, 160.]

AN ACT establishing an Asylum for the Chronic Insane.

Chap. 227

Be it enacted, etc., as follows:

SECTION 1. There shall be established at Worcester a temporary asylum for the chronic insane, and so much of the land and buildings there situate heretofore used for a lunatic hospital, as the trustees thereof may deem necessary, is hereby appropriated for the use of such asylum.

Asylum for the chronic insane.

SECTION 2. The trustees of Worcester lunatic hospital are hereby invested with the same authority relative to the management and government of said asylum, the care of the inmates thereof, the custody of its funds, and the col-

To be in charge of trustees of Worcester hospital.

Inmates to be sent by board of state charities.

lection and disbursement of moneys for and on account of it, and to the same extent, as if the asylum was a part of said hospital: *provided, however*, that the inmates thereof, shall consist only of such chronic insane as may be transferred thereto by the board of state charities in the manner provided in section four of chapter two hundred and forty of the acts of the year eighteen hundred and sixty-three.

Trustees may sell land.

SECTION 3. Said trustees are hereby authorized to sell and convey any land heretofore used by said hospital, not necessary for the purpose of the asylum, in accordance with the provisions of section four of chapter two hundred and thirty-eight of the acts of the year eighteen hundred and seventy.

SECTION 4. This act shall take effect on the first day of September next.

Approved May 15, 1877.

[1870, 337; 1872, 322.]

Chap. 228 AN ACT in relation to the Board of Street Commissioners of the City of Boston.

Be it enacted, etc., as follows:

Street commissioners may be invested with powers now exercised by board of aldermen, in care of streets, etc.

SECTION 1. The city council of the city of Boston is hereby authorized to delegate to and confer upon the board of street commissioners of said city any powers now vested in the board of aldermen, whether in conjunction with the mayor or otherwise, with reference to the care, maintenance and repair of the highways, streets, causeways and bridges in said city, or any powers now vested in or exercised by the board of aldermen of said city as surveyors of highways therein. It may likewise delegate to said board of street commissioners the powers vested in said board of aldermen, whether in conjunction with the mayor or otherwise, to regulate, restrict and control the acts and doings of all gas light companies in sinking, laying and repairing their pipes in the streets, lanes and highways in said city.

May be charged with powers in relation to sewers.

SECTION 2. The city council of the city of Boston is hereby authorized to delegate to and to confer upon the board of street commissioners of said city any powers now vested in the board of aldermen, whether in conjunction with the mayor or otherwise, to lay, make, maintain and repair main drains and common sewers within said city, and to assess upon persons by law liable thereto their proportional part of the charge of laying, making and repairing the same, together with all other powers with reference to said main

drains and common sewers now vested in or exercised by said board of aldermen, whether in conjunction with the mayor or otherwise.

SECTION 3. The city council of the city of Boston may direct under what limitations and restrictions the powers, herein authorized to be delegated to and conferred upon the board of street commissioners of said city, shall be exercised, may modify said powers from time to time, or may revoke the same or any of them.

City council may direct limitations of powers delegated.

SECTION 4. This act shall take effect upon its acceptance by the city council of the city of Boston.

Approved May 15, 1877.

[1877, 228; 1878, 75; 1879, 198.]

[1873, 285.]

An Act to amend the Charter of the Chapin Banking and Trust Company of Springfield.

Chap. 237

Be it enacted, etc., as follows:

SECTION 1. The Chapin Banking and Trust Company of Springfield may be appointed trustee under any will or instrument creating a trust, for the care and management of property, under the same circumstances, in the same manner, and subject to the same control by the court having jurisdiction of the same, as in the case of a legally qualified person. The capital stock of said corporation, with the liabilities of the stockholders existing thereunder, shall be held as security for the faithful discharge of the duties undertaken by virtue of this act, and no surety shall be required upon the bonds filed by said corporation. In all proceedings in the probate court or elsewhere connected with any authority exercised under this act, all accounts, returns and other papers may be signed and sworn to in behalf of the corporation, by any officer thereof duly authorized by it, and the answers and examinations, under oath of such officer, shall be received as the answers and examinations of the corporation, and the court may order and compel any and all officers of said corporation to answer and attend said examinations in the same manner as if they were parties to the proceedings or inquiry instead of the corporation: *provided, however*, that said corporation shall not be required to receive or hold any property or moneys, or to execute any trust contrary to its own desire.

May be appointed trustee under an instrument creating a trust for care of property.

Capital stock and liability of stockholders to be a security for faithful discharge of duties.

Accounts may be sworn to by an officer of the corporation.

SECTION 2. In the management of money and property held by it as trustee under the powers conferred in the fore-

To invest trust funds in the general trust fund of

the company.
Provisions.

going section, said corporation shall invest the same in the general trust fund of the company: *provided*, that it shall be competent for the authority making the appointment, to direct, upon the conferring of the same, whether such money and property shall be held separately or invested in the general trust fund of the company; and *provided, also*, that said corporation shall always be bound to follow and be entirely governed by all directions contained in any will or instrument under which it may act.

Property held by
company not to
be mingled with
investments of
capital stock.

SECTION 3. No money, property or securities received or held by said company under the provisions of this act shall be mingled with the investments of the capital stock or other moneys or property belonging to said corporation, or be liable for the debts or obligations thereof.

Returns to be
made to com-
missioners of
savings banks.

SECTION 4. The returns of said corporation required to be made to the commissioners of savings banks shall be in the form of a trial balance of its books, and shall specify the different kinds of its liabilities and assets, in accordance with a blank form to be furnished by said commissioners. And these returns shall be published in a newspaper of the city of Springfield at the expense of said corporation, and in the annual report of said commissioners.

Subject to ac-
ceptance by
corporation.

SECTION 5. This act shall take effect upon its acceptance by said corporation, which acceptance, with the date thereof, shall within ten days thereafter be certified by the president to the secretary of the Commonwealth.

Approved May 16, 1877.

[1877, 145.]

Chap. 238

AN ACT to amend an Act, entitled "An Act to authorize the County Commissioners of the County of Franklin to borrow Money for the purpose of paying such Costs and Expenses as said County may be required to pay, under the Provisions of an Act relating to Sunderland Bridge."

Be it enacted, etc, as follows:

County of
Franklin may
borrow money.
1877, 145.

Chapter one hundred and forty-five of the acts of the year eighteen hundred and seventy-seven, being "An Act to authorize the county commissioners of the county of Franklin to borrow money for the purpose of paying such costs and expenses as said county may be required to pay under the provisions of an act relating to Sunderland Bridge," and approved the twentieth day of April in the year eighteen hundred and seventy-seven, is hereby

amended in line three, by striking out the word "two," and inserting in place thereof, the word "thirteen."

Approved May 16, 1877.

[1878, 60.]

[1869, 182; 1871, 142.]

AN ACT to amend the Charter of the New England Trust Company. *Chap. 239*

Be it enacted, etc., as follows:

SECTION 1. The New England Trust Company may be appointed trustee under any will or instrument creating a trust, for the care and management of property, under the same circumstances, in the same manner, and subject to the same control by the court having jurisdiction of the same, as in the case of a legally qualified person.

May be trustee under any instrument creating a trust for care of property.

The capital stock of said corporation, with the liabilities of the stockholders existing thereunder, shall be held as security for the faithful discharge of the duties undertaken by virtue of this act, and no surety shall be required upon the bonds filed by said corporation. In all proceedings in the probate court or elsewhere connected with any authority exercised under this act, all accounts, returns and other papers may be signed and sworn to in behalf of the corporation, by any officer thereof duly authorized by it; and the answers and examinations, under oath of such officer, shall be received as the answers and examinations of the corporation, and the court may order and compel any and all officers of said corporation to answer and attend said examinations in the same manner as if they were parties to the proceedings or inquiry instead of the corporation: *provided, however*, that said corporation shall not be required to receive or hold any property or moneys or to execute any trust contrary to its own desire.

Security for faithful discharge of duties.

Accounts may be sworn to by an officer of the corporation.

Provido.

SECTION 2. In the management of money and property, held by it as trustee under the powers conferred in the foregoing section, said corporation shall invest the same in the general trust fund of the company: *provided*, that it shall be competent for the authority making the appointment, to direct, upon the conferring of the same, whether such money and property shall be held separately or invested in the general trust fund of the company; and *provided, also*, that said corporation shall always be bound to follow, and be entirely governed by all directions contained in any will or instrument under which it may act.

To invest trust funds in the general trust fund of the company.

Provisos.

SECTION 3. No money, property or securities received

Property held by

company not to be mingled with investments of capital stock.

Returns to be made to commissioners of savings banks.

Subject to acceptance by corporation.

or held by said company under the provisions of this act shall be mingled with the investments of the capital stock, or other moneys or property belonging to said corporation, or be liable for the debts or obligations thereof.

SECTION 4. The returns of said corporation required to be made to the commissioners of savings banks shall be in the form of a trial balance of its books, and shall specify the different kinds of its liabilities, and the different kinds of its assets, stating the amount of each kind, in accordance with a blank form to be furnished by said commissioners. And these returns shall be published in a newspaper of the city of Boston at the expense of said corporation, and in the annual report of said commissioners.

SECTION 5. This act shall take effect upon its acceptance by said corporation, which acceptance, with the date thereof, shall within ten days thereafter be certified by the president of the corporation to the secretary of the Commonwealth.

Approved May 16, 1877.

[Accepted June 1, 1877.] [1880, 70.]

[1876, 224.]

Chap. 242 AN ACT making Appropriations for the Furnishing and Maintenance of the Danvers Insane Hospital.

Be it enacted, etc., as follows :

Appropriation for furnishing hospital.

SECTION 1. The sum of fifty thousand dollars is hereby appropriated for the purpose of furnishing and providing for the occupancy of the hospital for the insane, now being erected at Danvers, to be expended under the authority and by the direction of the trustees hereafter to be appointed according to law.

Maintenance of hospital.

SECTION 2. The further sum of twenty thousand dollars is hereby appropriated, to be expended under the authority and by the direction of said trustees, for the maintenance of the hospital till it shall be in the receipt of an income from the support of patients.

Warrants may be drawn for expenses incurred.

SECTION 3. In order to meet any expenses incurred by said trustees under the provisions of this act, the governor is authorized to draw his warrant on the treasurer of the Commonwealth for such sums as may be required from time to time for carrying out said provisions.

Accounts of trustees to be submitted to the auditor.

SECTION 4. Said trustees shall present all their accounts relating to the disposition of the amount appropriated by the first section of this act to the auditor, for examination and approval.

SECTION 5. This act shall take effect upon its passage.

Approved May 16, 1877.

[1876, 236].

AN ACT in addition to an Act for the Relief of the Eastern Railroad Company and the Securing of its Debts and Liabilities. *Chap. 243*

Be it enacted, etc., as follows :

SECTION 1. The Eastern Railroad Company, with the assent of the trustees under the mortgage made in pursuance of chapter two hundred and thirty-six of the acts of the year eighteen hundred and seventy-six, may pledge as collateral security for money borrowed, any of the property which by section thirteen of said act it is authorized to sell with the assent of said trustees, and may give the pledgee the same rights in the property so pledged as if the same were not mortgaged to said trustees: *provided, always,* that the proceeds of a loan so effected shall not be applied or disposed of, except for the purposes specified in said section thirteen, and except with the consent of the trustees first had and obtained.

May pledge certain property as collateral security for money borrowed.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved May 16, 1877.

[1876, 224.]

AN ACT in further addition to an "Act to establish a Hospital for the Insane in the North-eastern part of the Commonwealth." *Chap. 244*

Be it enacted, etc., as follows :

SECTION 1. The commissioners appointed under authority of chapter two hundred and thirty-nine of the acts of the year eighteen hundred and seventy-three, and their successors in authority, are authorized to expend for the purpose named and under the conditions prescribed in the first section of said act, (except so far as relates to the aggregate expenditure,) the sum of one hundred and fifty thousand dollars, in addition to the amounts heretofore authorized; and the same is hereby appropriated, to be provided in the manner and under the conditions prescribed for the expenditures authorized in said act.

Additional expenditure authorized.

SECTION 2. This act shall take effect upon its passage.

Approved May 16, 1877.

AN ACT to amend the Charter of the Boston Safe Deposit and Trust Company. *Chap. 245*

Be it enacted, etc., as follows :

SECTION 1. The Boston Safe Deposit and Trust Company may from time to time increase its capital stock to an amount not exceeding one million dollars.

May increase capital stock.

May be trustee under any instrument creating a trust for care of property.

Capital stock held as security for faithful discharge of duties.

Provided.

To invest property held by it as trustee, in general trust fund of company.
Provided.

Property held not to be mingled with capital stock.

Returns to commissioners of savings banks.

SECTION 2. The said company may be appointed trustee under any will or instrument creating a trust for the care and management of property, under the same circumstances, in the same manner, and subject to the same control by the court having jurisdiction of the same, as in the case of a legally qualified person. The capital stock of said corporation, with the liabilities of the stockholders existing thereunder, shall be held as security for the faithful discharge of the duties undertaken by virtue of this act, and no surety shall be required upon the bonds filed by said corporation. In all proceedings in the probate court or elsewhere, connected with any authority exercised under this act, all accounts, returns and other papers may be signed and sworn to, in behalf of the corporation, by any officer thereof duly authorized by it; and the answers and examinations under oath of such officer shall be received as the answers and examinations of the corporation, and the court may order and compel any and all officers of said corporation to answer and attend said examinations in the same manner as if they were parties to the proceedings or inquiry instead of the corporation: *provided, however*, that said corporation shall not be required to receive or hold any property or moneys or to execute any trust contrary to its own desire.

SECTION 3. In the management of money and property held by it as trustee under the powers conferred in the foregoing section, said corporation shall invest the same in the general trust fund of the company: *provided*, that it shall be competent for the authority making the appointment to direct, upon the conferring of the same, whether such money and property shall be held separately or invested in the general trust fund of the company; and *provided, also*, that said corporation shall always be bound to follow and be entirely governed by all directions contained in any will or instrument under which it may act.

SECTION 4. No money, property or securities received or held by said company under the provisions of this act, shall be mingled with the investments of the capital stock, or other moneys or property belonging to said corporation, or be liable for the debts or obligations thereof.

SECTION 5. The returns of said corporation, required to be made to the commissioners of savings banks, shall be in the form of a trial balance of its books, and shall specify the different kinds of its liabilities and the differ-

ent kinds of its assets, stating the amount of each kind, in accordance with a blank form to be furnished by said commissioners; and these returns shall be published in a newspaper of the city of Boston at the expense of said corporation, and in the annual report of said commissioners.

SECTION 6. This act shall take effect upon its acceptance by said corporation, which acceptance, with the date thereof, shall within ten days thereafter be certified by the president to the secretary of the Commonwealth.

Subject to acceptance by corporation.

Approved May 16, 1877.

[Accepted May 28, 1877.]

[1876, 150.]

AN ACT to provide and appropriate Moneys for the Improvement and Completion of the Troy and Greenfield Railroad and Hoosac Tunnel, and the Payment of Claims incurred therefor, and to extend the Power of the Governor and Council relative to Tolls.

Chap. 249

Be it enacted, etc., as follows:

SECTION 1. For the purposes of repair, relocation and completion of the Troy and Greenfield Railroad and Hoosac Tunnel, and the payment of claims hitherto incurred therefor, and to enable the governor and council to perform the duties imposed upon them under the provisions of chapter seventy-seven of the acts of the year eighteen hundred and seventy-five, the treasurer of the Commonwealth is authorized and instructed to issue scrip, or certificates of debt, in the name and on behalf of the Commonwealth, and under his signature and the seal of the Commonwealth, to an amount not exceeding three hundred and seventy-two thousand five hundred dollars, on the same terms and conditions as are provided in section three of chapter three hundred and thirty-three of the acts of the year eighteen hundred and sixty-eight.

Appropriation for improvement and completion of Troy and Greenfield Railroad and Hoosac Tunnel.

SECTION 2. The governor and council are hereby authorized and directed to take all necessary measures for the preparation of said scrip, or certificates of debt, and for the sale or negotiation thereof, with authority to expend such sums of money as may be necessary for the purpose.

Governor and council to prepare scrip for sale, etc.

SECTION 3. Whatever premium may be received from the sale of any of the scrip or certificates of debt, issued under the authority of this act beyond the cost of preparing and negotiating the same, shall be added to and constitute

Premium to be added to sinking fund.

a part of the sinking fund created by the provisions of chapter two hundred and twenty-six of the acts of the year eighteen hundred and fifty-four.

Expenditures
in charge of
governor and
council.

SECTION 4. Said sum of three hundred and seventy-two thousand and five hundred dollars, or so much thereof as may be necessary, is hereby appropriated for the purposes expressed in the first section of this act, and the expenditure thereof for the said purposes shall be entrusted to the governor and council.

Appropriation
of earnings of
railroad and
tunnel.

SECTION 5. The governor, with the advice and consent of the council, is authorized to use any part of the tolls or earnings of the Troy and Greenfield Railroad and Hoosac Tunnel which shall have been deposited with the treasurer of the Commonwealth during the current year in which he may be required to use the same, to pay for or repair any damages arising from flood or accident upon said railroad or in said tunnel. And the said earnings are hereby appropriated for the purpose.

Union passenger
station may be
built at Green-
field.

SECTION 6. The governor, with the advice and consent of the council, is authorized to construct a passenger station at Greenfield either separately or in combination with the Fitchburg Railroad Company and Connecticut River Railroad Company, or either of them, and to provide by agreement with either or both said companies, if a station shall be constructed at joint expense, for the amounts to be paid therefor by the Commonwealth and by either or both said companies respectively, and for the location, maintenance, use and control of said station, and for the several rights therein of the Commonwealth, of each of said railroad companies, and of all other railroad companies or parties that may use the same, and for the equitable division of any income to be derived therefrom: *provided*, that the moneys to be paid for this station by the Commonwealth shall be taken from the reimbursements for land damages to be paid by the inhabitants of the town of Greenfield under chapter one hundred and forty of the acts of the year eighteen hundred and seventy-six, and said reimbursements are hereby appropriated to the amount of twelve thousand five hundred dollars for the purposes of this section; and *provided, further*, that no action shall be taken under this section if the governor and council shall not deem the moneys received from such reimbursements to be sufficient for the purposes thereof.

To be paid for,
out of reim-
bursements for
land damages.

Proviso.

Temporary re-

SECTION 7. The words "not to be raised for one year

after they are thus determined" in the second and third lines of the fifth section of chapter seventy-seven of the acts of the year eighteen hundred and seventy-five, shall not be construed to prevent the governor, with the advice and consent of the council, from reducing the rates of the tolls therein referred to temporarily, by means of rebates, and again restoring them to the amount fixed for such year.

duction of tolls
not prohibited.

SECTION 8. The governor, with the advice and consent of the council, is authorized to sell the present offices of the management in Adams and the real estate connected therewith, and cause the same to be conveyed to the purchaser by deed of quitclaim, to be signed by the treasurer and receiver-general, and to be sealed with the seal of the Commonwealth; and the governor, with the advice and consent of the council, is further authorized to use the proceeds of the sale thereof to an amount not exceeding five thousand dollars, and ten thousand dollars additional of the amount hereinbefore appropriated, to construct a union passenger station at North Adams, in combination with the Boston and Albany Railroad Company; and to fix and determine by agreement with said company the location, maintenance, use and control of said depot and the several rights therein of the Commonwealth, of said company, and of all other railroad companies and parties that may use the same, and for the equitable distribution of any income thereof; and in case of failure to agree by parties interested, the questions in dispute shall be decided and determined upon by the railroad commissioners.

Offices and land
at Adams may
be sold.

Union passenger
station at North
Adams.

SECTION 9. This act shall take effect upon its passage.

Approved May 17, 1877.

[1876, 224.]

AN ACT authorizing the Appointment of Trustees for the State Lunatic Hospital at Danvers.

Chap. 252

Be it enacted, etc., as follows:

SECTION 1. The government of the state lunatic hospital at Danvers shall be vested in a board of five trustees, to be appointed in the same manner and with the same powers and duties as are prescribed in the seventy-third chapter of the General Statutes and all existing acts in addition thereto and modification thereof for the government of the state lunatic hospitals at Worcester, Taunton and Northampton. And all the provisions of said chapter

Trustees to be
appointed.

and the acts in addition thereto and modification thereof, so far as the same can be made applicable, are hereby extended and made applicable to the management of said state lunatic hospital at Danvers.

Trustees to
complete work
not included in
contracts.

SECTION 2. The trustees to be appointed under this act are hereby authorized to complete all necessary work not included in contracts made by the present commissioners; and on the first day of October next, said trustees shall assume full and exclusive management and control of said hospital and all matters and contracts relating thereto; and when said hospital is finished and ready to receive patients, give notice thereof to his excellency the governor and to the secretary of the board of state charities, and after the receipt of such notice patients may be committed to said hospital, or transferred thereto from other hospitals or prisons, in the same manner as they may now be to either of the state lunatic hospitals.

SECTION 3. This act shall take effect upon its passage.

Approved May 17, 1877.

CHANGE OF NAMES.

219

CHANGE OF NAMES OF PERSONS.

In compliance with the 14th section of the 110th chapter of the General Statutes, returns of the following Changes of Names have been received at the Department of the Secretary of the Commonwealth, as decreed by the several Judges of the Probate Courts, in their respective Counties :—

SUFFOLK COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1876.			
Jan. 10, .	May Rose Carlton,*	Florence May Pike,	Boston.
10, .	Josephine Spain,*	Josephine Pagani,	Boston.
17, .	Edward Everett Balch,*	Edward Everett Kidney,	Manchester, N.H.
24, .	Elizabeth W. Work, .	Elizabeth W. Cushing,	Boston.
31, .	Martha Elizabeth Keith,	Martha Elizabeth Dickinson,	Boston.
Feb. 21, .	Clarence Henry Foster,*	Clarence Henry Orth,	Boston.
28, .	Solomon McNeal Dickey,	Neal Solomon Dickey,	Boston.
28, .	Lawrence Conway,*	Edward Lawrence Boss,	Boston.
Mar. 6, .	Rosa Lewis Warren,*	Mary Elizabeth Hildreth,	Boston.

* Names changed by reason of adoption.

CHANGE OF NAMES.

SUFFOLK COUNTY—Concluded.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1876.			
Mar. 13, .	Minnie Frasier,*	Jennie A. Stuart,	Chelsea.
Apr. 10, .	John Joseph Brennan,* . .	John Joseph Donahoe, . .	Boston.
May 8, .	Charles Upham,	Charles James Upham, . .	Boston.
15, .	Herbert Whiting Mahoney, .	Herbert Merrill Whiting, .	Boston.
23, .	Frank Willard Seabury, . .	Frank Seabury,	Boston.
23, .	Ida May Morrison,*	Lydia Ann Stewart,	Boston.
29, .	Katie Fullington Shields,* .	Katie Fullington Higgins, .	Boston.
June 12, .	Isaac Taylor Hoague, . . .	Isaac Theodore Hoague, . .	Boston.
19, .	Mary Ann McGowan,* . . .	Mary Ann McLaren,	Boston.
19, .	Henry Palmer,*	Henry Johnson,	Boston.
26, .	Mabel Bray,	Mabel Winslow,	Boston.
26, .	Clevenger Allston Powers,* .	Clevenger Allston Eastman, .	Boston.
26, .	Charles Parker Smith,* . .	Charles Parker Simmons, . .	Boston.
July 17, .	Mabel Dunbar Warren,* . .	Mabel Sumner Power, . . .	Boston.
Aug. 7, .	Geneva Chase,*	Mary Leavitt Mallon, . . .	Taunton.
Sept. 18, .	Jane E. Parker,*	Elizabeth Loudon,	Monson.
Oct. 9, .	Ellen Cleora Hartwell,* . .	Ellen Cleora Gamage, . . .	Harvard.

Oct. 16, .	Frederick Judd Smith,*	.	.	Frederick Judd Robinson,	.	Boston.
28, .	William Murphy,*	.	.	Tony William Washburn,	.	Boston.
Nov. 6, .	Daisy Dudley Le Seur,*	.	.	Helen Beasie Rothwell Fernald,	.	Milford.
Nov. 19, .	Jeannette Eastman,*	.	.	Gertrude Viana Byan,	.	Boston.
Dec. 4, .	Ellen Elizabeth Littlefield,*	.	.	Nellie Kezar Littlefield,	.	Boston.
11, .	Lucette Brown Rogers,	.	.	Lucette Webster,	.	Boston.
11, .	Clarence Greenlaw,*	.	.	Clarence Libby,	.	Boston.
18, .	Imogene Bailey,*	.	.	Florence Imogene Crosby,	.	Marblehead.

ESSEX COUNTY.

Jan. 10, .	Sarah E. Thurston,*	.	.	Sarah T. Osgood,	.	Haverhill.
10, .	Georgiana Colburn Ward,*	.	.	Georgiana Colburn Soper,	.	Lawrence.
24, .	Henry Emerson Raymond,*	.	.	Henry C. Emerson,	.	Salem.
Feb. 21, .	Grace A. Woodbridge,*	.	.	Grace Maria Gray,	.	North Andover.
Mar. 13, .	Octavia Grace Brown,*	.	.	Grace Brown Noyes,	.	Haverhill.
27, .	Charles Lealie Ordway,	.	.	Charles Lealie Currier,	.	Newbury.
Apr. 8, .	Charles Steele,	.	.	Charles Wallis Steele,	.	Salem.
17, .	Alma Maria Raddin,*	.	.	Alice Upton King,*	.	Peabody.
24, .	George Winchester Smith,†	.	.	Winchester Smith,	.	Salem.

* Names changed by reason of adoption.

† No return of notice.

ESSEX COUNTY — Concluded.

Date of Decree.	Original Name.	Name Decried.	Residence.
1876.			
May 1, .	Sarah Anna Sophia Bonnell,*	Annie Bubier Gregory, .	Marblehead.
1, .	William Edgar Gammel,*	Edgar Gregory, .	Marblehead.
8, .	Mabel Allard,*	Flora Mabel Woodman,	Lynn.
15, .	Nellie H. Cushing,*	Nellie H. Williams, .	Gloucester.
15, .	Estella Perkins,*	Estella Clemons Kemp, .	Lynn.
Aug. 7, .	Stepho C. Bridges,†	Stephen Burger, .	Salem.
7, .	Alice Hews,*	Carrie Grata Haynes, .	Marblehead.
7, .	—— Towle,*	Fanny Woodbury Towle Foster,	Salem.
7, .	Alice Maria Barnard,*	Alice Maria Lewis, .	Lynn.
Sept. 2, .	Eli Everett Boynton,	Everett Boynton, .	Swampscott.
11, .	Katie Bogen,*	Katie O'Brien, .	North Andover.
Oct. 16, .	Harry P. Collins,*	Harry P. Abbott, .	Andover.
16, .	Sarah O'Brien,*	Sarah Ella Lakeman, .	Lynn.
16, .	Mary Otis,*	Emma Jane Hilsted, .	Rockport.
Nov. 9, .	Gertie Elvira Lee,*	Gertie Elvira Lee Cook,	Saugus.
15, .	George William Douglass Strout,*	George William Douglass, .	Salem.
20, .	Laura Ann Harwood,*	Laura Harwood Gregory, .	Marblehead.

Nov. 20, .	Grace Williams,*	Grace Nevada Jellerson,	Lynn.
27, .	Willie Haight,*	William Daniel McCarrn,	Salem.
Nov. 27, .	Mary Augusta Lowell,	Agnes Augusta Lowell,	Salisbury.
Dec. 4, .	Mary Robbarts, <i>alias</i> Mary Reynolds {	Anna Monroe Warren,	Gloucester.
4, .	Robinson,*	Julia Augusta Halsted,	Rockport.
16, .	Julia Augusta Bartlett,*	Arthur George Neal,	Lawrence.
16, .	Arthur Oren Neal,	Austin Parker Neal,	Lawrence.
18, .	Austin Parker Orren Neal,	Nellie Edna Purbeck,	Salem.
28, .	Nellie Edna Goldsmith,*	Mary Seccomb Moore,	Salem.
	Mary Ellen Moore,		

MIDDLESEX COUNTY.

Jan. 11, .	Edward Everett Hunt,	Edward Harlow Duston,	Lowell.
11, .	Dillian Emmogene Rowe,	Emmogene Rowe Cochran,	Hudson.
18, .	Maud Williams,	Maud Edna Kenerson,	Cambridge.
25, .	William Bridges,	William James Gafney,	Cambridge.
Feb. 1, .	Lizzie Jane Hubert,	Lizzie Jannette Raymond,	Malden.
8, .	Onslow Leroy Moody,	Winslow Leroy Leadbetter,	Weston.
Mar. 23, .	Alice Gordon Campbell,	Alice Gordon Hayes,	Lowell.

* Names changed by reason of adoption.

† No return of notice.

July 18, .	Claud Augustus Davis, .	Claud Augustus Swasey,	Lowell.
25, .	Robertine Geoffrion, .	Tiny Marin, .	Lowell.
July 27, .	John Kane, .	John Kane Currier, .	Malden.
Sept. 5, .	Joseph Story, .	Warren Clark Potter, .	Cambridge.
8 19, .	Kate May Dyer, .	Kate May Usher, .	Lowell.
Nov. 14, .	Grace Susan Horton, .	Grace Horton McClary, .	Waltham.
21, .	Catharine Manning, .	Minnie Electra Pettigrew, .	Lowell.
Dec. 12, .	Mindora Fisher Daggett, .	Maud Fanny Dyar, .	Marlborough.

WORCESTER COUNTY.

Jan. 4, .	Lefe Maria Hall, .	Minnie Pray, .	Webster.
Feb. 1, .	Hattie Orinda Smith, .	Harriet Oriana Wood, .	Millbury.
15, .	George Henry Thomas, .	John Whitefield Griswold, .	Ashburnham.
15, .	Catherine Kenney, .	Mary Catherine Brewer, .	Clinton.
Apr. 4, .	Roxa Temple Stone, .	Rose Tennyson Stone, .	Princeton.
June 20, .	Ida M. Cambridge, .	Ida M. Bliss, .	Worcester.
20, .	———, .	William Henry Larhna, .	Ashburnham.
July 5, .	Emily F. Pettet, .	Emily F. Remington, .	Southbridge.

CHANGE OF NAMES.

WORCESTER COUNTY — Concluded.

Date of Decree.	Original Name.	Name Decreed.	to which it is
1876			
July 16, .	Cora Augusta Davis, .	Cora Augusta Commean, .	Winchendon.
18, .	Alice Maud Conant, .	Alice Maud Conant Buck, .	Warren.
18, .	Charles Enzas Patrick, .	Charles Enzas Frenney, .	Gardner.
Sept. 5, .	Etta Florence Smith, .	Florence May Peck, .	West Boylston.
5, .	Fred Ransom Taylor, .	Ransom Fred Taylor, .	Worcester.
19, .	William White, .	Paul Clifton Wheeler, .	North Brookfield.
19, .	Charles Sawyer Barrows, .	Charles Edward Sawyer, .	Worcester.
19, .	Emma R. Howard, .	Isabella Thurston Barrett, .	Fitchburg.
19, .	Etta Coffin, .	Helen Louise Utley, .	New Braintree.
Nov. 7, .	Bertha May Brigham, .	Agnes Helen Aldrich, .	Mendon.
Dec. 5, .	Nellie Baldwin, .	Mabel Lucretia Prouty, .	Spencer.
5, .	Ethel F. Davis, .	Ethel Frances Montgomery, .	Leominster.
19, .	Robert McKenna, .	Harry Robert Lovell, .	Worcester.

HAMPSHIRE COUNTY.

Jan. 4, .	Robert Allen Vandalinda,*	.	.	Robert Allen Burnham,	.	.	Easthampton.
4, .	Fred A. Boynton,*	.	.	Fred A. McMaster,	.	.	Amherst.
Feb. 1, .	Caroline Emon,*	.	.	Caroline Milo,	.	.	Hadley.
Mar. 7, .	Joseph Alden Packard,	.	.	Joseph Alden,	.	.	Plainfield.
May 2, .	Ada Adell Smith,	.	.	Ada Adell Tower,	.	.	Chesterfield.
2, .	Alice Bertha Smith,*	.	.	Alice Bertha Keith,	.	.	Granby.
9, .	Winnona A. Blair,*	.	.	Winnona A. Bruce,	.	.	Belchertown.
Dec. 5, .	Kate Mauren,*	.	.	Kate M. Guernesey,	.	.	Amherst.
5, .	Amasa D. Skinner,*	.	.	Amasa D. Nelson,	.	.	Amherst.

HAMPDEN COUNTY.

Feb. 1, .	George Herbert Tuck,	.	.	George Herbert Wright,	.	.	Holyoke.
1, .	Thomas Allen Macnamara,	.	.	Thomas Arthur Allen,	.	.	Springfield.
Mar. 7, .	Catherine Reilly,	.	.	Fayolin Julia Hyde,	.	.	.
7, .	Frank Collins,	.	.	Frank Gates Merriam,	.	.	Springfield.
7, .	Anna L. Barton,	.	.	Anna L. Randall,	.	.	West Springfield.

* Names changed by reason of adoption.

HAMPDEN COUNTY—Concluded.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1876.			
May 2, .	Louise Fay Kelley,	Louise Fay,	Westfield.
June 6, .	Clarence Van Deusen Fansler,	Clarence Van Deusen,	Westfield.
July 5, .	Iza Dritte Dixon,	Iza Dritte Abbey,	Palmer.
Sept. 5, .	Mary Jane Lagney,	Mary Jane Beauchamp,	Holyoke.
12, .	Jennie E. Hastings,	Jennie E. Brainard,	Palmer.
19, .	Lyman Root Harris,	Lyman Root,	Westfield.
Oct. 3, .	Grace Chenery Brown,	Grace Chenery Foote,	Newton.
8, .	Esther Maria Hood,	Esther Maria Angus,	Springfield.
8, .	Winfred Luther Howard,	Winfred Howard Churchill,	Springfield.
8, .	Mabel Anna Howard,	Mabel Anna Churchill,	Springfield.
Nov. 8, .	Mattie Laura Graves,	Caroline Estella Chapin,	Springfield.
8, .	Jessie May Pepperell,	Jessie Mary Parker,	Tewksbury.
28, .	Lillian Lestina Foster,	Lillian Lestina Shamp,	Springfield.

FRANKLIN COUNTY.

Feb. 1, .	(Infant) Walker,*	.	.	.	Frank Adelbert Peck, .	.	.	Shelburne.
Mar. 14, .	(Infant) Wilby,*	.	.	.	Jennie Lillian Jacobs, .	.	.	Brattleboro', Vt.
June 24, .	Estella Haley,*	.	.	.	Estella H. Knapp, .	.	.	Warwick.
24, .	Annie Lewis Sampson,*	.	.	.	Anna Lewis Carpenter, .	.	.	New Salem.
July 5, . .	Mabel A. Blaklee,*	.	.	.	Mabel A. Dexter, .	.	.	New Salem.

BERKSHIRE COUNTY.

Jan. 4, .	Lillie B. Haydon, .	.	.	.	Lillie Bell Lee, .	.	.	Becket.
6, .	Emma J. Shattuck,	.	.	.	Emma Josephine Haley,	.	.	Adams.
Apr. 4, .	Mary Adeline Veats,	.	.	.	Adaline Jacobs, .	.	.	Dalton.
June 6, .	Eva May Hemenway,	.	.	.	Eva May Corbit, .	.	.	Pittsfield.
July 20, .	Carrie Alice Towle,	.	.	.	Delight E. Lindsey, .	.	.	Adams.
Sept. 5, .	Hattie Augusta Murray,	.	.	.	Hattie Augusta French,	.	.	Pittsfield.
5, .	Harriet Eliza Batey,	.	.	.	Hattie Augusta Carpenter,	.	.	Richmond.
Dec. 5, .	William B. Boss, .	.	.	.	William B. Boss Arnold,	.	.	Adams.

* Names changed by reason of adoption.

NORFOLK COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1875.			
Dec. 15, .	McKean Clifford Churchill, .	McKean Gardner Churchill, .	Milton.
1876.			
Apr. 19, .	Violet Leonora Brooks,*	Violet Brooks Pond, .	Norwood.
July 5, .	Ella Hattie Cobb,*	Ella Hattie Blake, .	Wrentham.
Nov. 8, .	Patrick Mullen, .	Henry Mullen, .	Quincy.
Dec. 6, .	James Wadsworth Sampson,*	Arthur Ashley Sprague, .	Quincy.

BRISTOL COUNTY.

Jan. 21, .	Hannah W. Borden, .	Annie W. B. Baker, .	Fall River.
Feb. 18, .	Elizabeth Heunt, .	Cecilia Gertrude Heinich, .	Fall River.
Mar. 17, .	John Valentine, .	George J. Leonard, .	Taunton.
Apr. 7, .	Luelle F. Davis, .	Luelle F. Winslow, .	Fall River.
7, .	Mary Anne Hasey, .	Mary Anne Duffy, .	Fall River.
7, .	Teresa Hasey, .	Teresa Duffy, .	Fall River.
21, .	Margaret M. Miles, .	Lillie M. Holmes, .	Taunton.

May 5, .	Elmer Atwood,	Melvin Ellis Butler,	Everett.
5, .	Frederick Augustus Sampson,	Frederick Augustus Haskell,	Taunton.
5, .	Clarence Johnson,	Clarence Crapo,	New Bedford.
Sept. 1, .	Josie E. Wetherell,	Minnie Josie Robbins,	Attleborough.
Nov. 8, .	Joanna Louise Saarat,	Joanna Louise Hansen,	Attleborough.
3, .	Moses Russell,	George Taber Fuller,	New Bedford.
Dec. 1, .	Charles Leslie Fairbanks,	Charles Leslie Fairbanks Paull,	Somerset.
15, .	Ernest Armstrong Cole,	Ernest Armstrong Brown,	New Bedford.

PLYMOUTH COUNTY.

Jan. 24, .	Mary Gunn,*	Mary McMinamy,	Brockton.
Feb. 26, .	George H. Barden,*	George H. Meserve,	Abington.
Apr. 17, .	Rebecca C. Thompson,	Rebecca C. Silsby,	Brockton.
June 12, .	Sarah J. Evans,*	Sadie M. Swift,	Plymouth.
Oct. 23, .	Perly L. Horn,*	Perly L. Perry,	Hanover.

* Names changed by reason of adoption.

BARNSTABLE COUNTY.

Date of Decree.	Original Name.	Name Deceased.	Residence.
1876.			
Mar. 14, .	Matilda F. Cahoon,	Matilda F. Simpson,	Harwich.
July 18, .	Almira Wilson,	Almira Hallet,	Yarmouth.
Aug. 8, .	Everett Kendall Wilson,	Everett Kendall Hallet,	Yarmouth.
8, .	Alice Maud Wilson,	Alice Maud Hallet,	Yarmouth.

DUKES COUNTY.

Sept. 4, .	Alonzo Manual,*	Alonzo Mason Ripley,	Edgartown.
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* Name changed by reason of adoption.

1878.

[1876, 236.]

AN ACT in addition to an Act entitled "An Act for the Relief of the Eastern Railroad Company, and the Securing of its Debts and Liabilities."

Chap. 4

Be it enacted, etc., as follows:

SECTION 1. Whenever vacancies occur in the board of directors chosen under the provisions of chapter two hundred and thirty-six of the acts of the year eighteen hundred and seventy-six, such vacancies, if occurring among the six directors chosen by the holders of certificates of indebtedness, shall be filled by the remaining directors so chosen, and if occurring among the three directors chosen by the stockholders, shall be filled by the remaining directors so chosen.

Mode of filling vacancies in the board of directors.

SECTION 2. This act shall take effect upon its passage.

Approved January 30, 1878.

[1878, 55.]

[1852, 106; 1853, 7; 1855, 55, 481; 1859, 19; 1867, 150; 1876, 129.]

AN ACT in further addition to an Act relating to the Mystic River Corporation.

Chap. 5

Be it enacted, etc., as follows:

The time allowed for the completion of the improvements authorized by the several acts relating to the Mystic River Corporation is hereby extended ten years.

Time for completion of improvements, extended.

Approved January 30, 1878.

[1880, 145; 1881, 239.]

AN ACT to change a Part of the Boundary Line between the Towns of Hanover and South Scituate.

Chap. 8

Be it enacted, etc., as follows:

SECTION 1. That part of the town of Hanover lying north of straight line extending westerly from a point in Jacobs' mill pond, twenty-three feet north of a stone post marked H. and S. now standing in the north side of the

Boundary line established.

dam of said pond, to the stone monument now standing in the north line of Hanover, at the corner of the towns of Rockland and South Scituate, is hereby set off from the town of Hanover and annexed to the town of South Scituate; and that part of the town of South Scituate lying south of said straight line, is hereby set off from the town of South Scituate and annexed to the town of Hanover.

South Scituate
to pay Hanover
two hundred
and seventy-five
dollars.

SECTION 2. The town of South Scituate shall pay to the town of Hanover, within three months after this act shall take effect, the sum of two hundred and seventy-five dollars, as the just compensation to which said town of Hanover is entitled by reason of this act.

SECTION 3. This act shall take effect upon its passage.

Approved February 11, 1878.

[1876, 194.]

Chap. 10 AN ACT concerning the Sewage of the State Prison, in the Town of Concord.

Be it enacted, etc., as follows :

Sewage of state
prison not to
discharge into
Concord River.

SECTION 1. The warden and board of inspectors of the state prison, in the town of Concord, are hereby prohibited from causing or permitting the discharge, through any sewer or drain, of any portion of the sewage of said prison into the Concord River or any of its tributaries, unless said sewage shall have been purified or cleansed in a manner satisfactory to the state board of health.

SECTION 2. This act shall take effect upon its passage.

Approved February 13, 1878.

Chap. 13 AN ACT to provide Moneys for the Law Library of Franklin County.

Be it enacted, etc., as follows :

County commis-
sioners may ap-
propriate money
for benefit of the
law library of
the county.

Provided.

The county treasurer of the county of Franklin shall annually pay to the county law library association of that county, such sums of money as the county commissioners of that county may order, which money shall be used to maintain and enlarge the law library belonging to that county: *provided*, that after one thousand dollars shall have been paid to said association, by virtue of this or other laws, in any year, no further sums shall be payable thereto from the county treasury in that year.

Approved February 15, 1878.

AN ACT to confirm the Change of Name by the South Malden Congregational Society, and the Doings of and Conveyances to and by the Everett Congregational Society.

Chap. 15

Be it enacted, etc., as follows :

SECTION 1. The proceedings of the South Malden Congregational Society, relating to the change of the name of said society to that of the Everett Congregational Society, and all proceedings in the name of the Everett Congregational Society, from the date of said change up to the first day of November eighteen hundred and seventy-seven, as now recorded in the records of the same, and all conveyances to, by or in the name of, the Everett Congregational Society, are hereby ratified, established and confirmed, any defects or informalities therein to the contrary notwithstanding.

Proceedings confirmed and conveyances ratified.

SECTION 2. This act shall take effect upon its passage.

Approved February 20, 1878.

AN ACT to change the Name of the Vine Street Congregational Society in Boston.

Chap. 16

Be it enacted, etc., as follows :

SECTION 1. The name of the Vine Street Congregational Society in Boston is changed to that of the Immanuel Congregational Society.

Name changed.

SECTION 2. This act shall take effect upon its passage.

Approved February 20, 1878.

AN ACT to confirm certain Acts done by Henry E. Taintor of Hartford, in the State of Connecticut, as Commissioner for Massachusetts.

Chap. 17

Be it enacted, etc., as follows :

SECTION 1. All acts done by Henry E. Taintor of Hartford, in the state of Connecticut, as commissioner for this Commonwealth, within and for said state, between the fourteenth day of April in the year eighteen hundred and seventy-six, and the fourteenth day of March in the year eighteen hundred and seventy-seven, are hereby confirmed and made valid, to the same extent as if during that time he had been duly appointed and qualified to perform the duties of that office.

Acts confirmed and made valid.

SECTION 2. This act shall take effect upon its passage.

Approved February 20, 1878.

Chap. 18 AN ACT to confirm certain Acts done by Harvey Kirkland as a Justice of the Peace.*Be it enacted, etc., as follows :***Acts confirmed
and made valid.**

SECTION 1. All acts done by Harvey Kirkland as a justice of the peace within and for the county of Hampshire, between the fourth day of August eighteen hundred and seventy-six, and the twenty-third day of November eighteen hundred and seventy-seven, are made valid and confirmed to the same extent as though he had been, during that time, qualified to discharge the duties of said office.

SECTION 2. This act shall take effect upon its passage.

Approved February 20, 1878.

[1877, 139.]

Chap. 19 AN ACT to amend Section One of Chapter One Hundred and Thirty-nine of the Acts of the Year Eighteen Hundred and Seventy-seven, concerning the Boundary Line, in part, between the Towns of Medford and Malden.*Be it enacted, etc., as follows :***Medford and
Malden —
Boundary line
changed.**

SECTION 1. Section one of chapter one hundred and thirty-nine of the acts of the year eighteen hundred and seventy-seven is hereby amended, so that the second and third courses of the boundary lines in said section described, shall read and hereby be established as follows, to wit:— Thence running northerly to a stone monument on the southerly line of the town of Stoneham; thence easterly nine hundred ninety and sixty-four one-hundredths feet to a stone monument at the intersection of the southerly line of said Stoneham and the westerly line of the town of Melrose.

SECTION 2. This act shall take effect upon its passage.

Approved February 20, 1878.

[1872, 130.]

Chap. 20 AN ACT in addition to an Act to establish a Free Bridge across the Connecticut River between Springfield and West Springfield.*Be it enacted, etc., as follows :***May borrow
money for build-
ing bridge across
the Connecticut
River.**

SECTION 1. The county commissioners of Hampden County may borrow, on the credit of said county, an additional sum not exceeding fifteen thousand dollars, to pay the expenses of building and constructing the free bridge and highway across the Connecticut River at Springfield, provided for by chapter one hundred and

thirty of the acts of the year one thousand eight hundred and seventy-two; said sum to be borne and paid in the manner provided by sections five, six and seven of said act.

SECTION 2. This act shall take effect upon its passage.

Approved February 20, 1878.

[1878, 238.]

AN ACT concerning the Distribution of the Ministerial Fund in the Town of Lanesborough. *Chap. 27*

Be it enacted, etc., as follows :

SECTION 1. The income of the ministerial fund in the town of Lanesborough, accruing after the first day of April in the year one thousand eight hundred and seventy-eight, shall be equally divided between the Congregational, Episcopal, Baptist and Methodist societies in said town, and shall be paid by the trustees of said fund in like manner and at such times as said income has heretofore been paid to the Congregational, Baptist and Episcopal societies.

Income of ministerial fund to be divided.

SECTION 2. This act shall take effect upon its passage.

Approved February 28, 1878.

[1835, 44.]

AN ACT to authorize the Pierce Academy in the Town of Middleborough to hold Additional Real and Personal Estate. *Chap. 28*

Be it enacted, etc., as follows :

SECTION 1. The Pierce Academy in the town of Middleborough is hereby authorized to hold by purchase or otherwise, real and personal estate to an amount not exceeding thirty thousand dollars, to be devoted exclusively to the purposes of education, in addition to the amount authorized by chapter forty-four of the acts of the year eighteen hundred and thirty-five.

Additional real and personal estate.

SECTION 2. This act shall take effect upon its passage.

Approved February 28, 1878.

AN ACT to incorporate the Lee Water Company.

Chap. 29

Be it enacted, etc., as follows :

SECTION 1. Elizur Smith, Wellington Smith, De Witt S. Smith and Albert J. Morey, their associates and successors, are hereby made a corporation by the name of the Lee Water Company, for the purpose of furnishing the

Corporators.

Powers and duties.	inhabitants of Lee with pure water for the extinguishment of fires, domestic and other purposes ; with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force applicable to such corporations.
May take water from Laurel Lake.	SECTION 2. Said corporation may take, hold and convey into and through the town of Lee, or any part thereof, the water in what is known as Laurel Lake ; and may take and hold by purchase or otherwise any real estate necessary for the preservation and purity of the same, or for forming any dams or reservoirs to hold the same, and for laying and maintaining aqueducts and pipes for distributing the waters so taken and held ; and may lay its water pipes through any private lands, with the right to enter upon the same and dig therein for the purpose of making all necessary repairs ; and for the purposes aforesaid may carry its pipes under or over any water-course, street, railroad, highway or other way, in such manner as not to obstruct the same ; and may, under the direction of the board of selectmen, enter upon and dig up any road or other way for the purpose of laying or repairing its aqueducts, pipes or other works ; and in general may do any other acts and things necessary, convenient or proper for carrying out the purposes of this act.
May take and hold land.	SECTION 3. Said corporation shall, within sixty days after the taking of any land under this act, file in the registry of deeds of the county of Berkshire a description of any land so taken, sufficiently accurate for identification, and state the purpose for which it is taken ; and the title of land so taken shall vest in said corporation. Any person injured in any way by any of the acts of said corporation, and failing to agree with said corporation as to the amount of damages, may have them assessed and determined in the manner provided when land is taken for highways.
To file in registry of deeds a description of land taken.	SECTION 4. Said corporation may distribute the water through said Lee ; may establish and fix from time to time rates for the use of said water, and collect the same ; and may make such contracts with the town of Lee, or with the Lee fire district, or with individuals, to supply water for fire or for other purposes, as may be agreed upon by said town, district or individuals and said corporation.
Assessment of damages.	SECTION 5. Said corporation for the purposes set forth
May establish water rates.	
Real and per-	

in this act may hold real and personal estate not exceeding in amount twenty thousand dollars in value; and the whole capital stock shall not exceed thirty thousand dollars, to be divided into shares of one hundred dollars each.

sonal estate.

SECTION 6. If any person shall use any of said water taken under this act, without the consent of said corporation, or shall wantonly or maliciously divert the water or any part thereof so taken, or corrupt the same, or render it impure, or destroy or injure any dam, aqueduct, pipe, conduit, hydrant, machinery or other works or property, held, owned or used by said corporation, under the authority of and for the purposes of this act, he shall forfeit and pay to said corporation three times the amount of damages assessed therefor, to be recovered in an action of tort; and on conviction of either of the wanton or malicious acts aforesaid may be punished by a fine not exceeding three hundred dollars, or by imprisonment in jail not exceeding one year.

Penalty for diverting water or rendering it impure.

SECTION 7. The town of Lee shall have the right, at any time during the continuance of the charter hereby granted, to purchase the corporate property and all the rights and privileges of said company at the actual cost of the same, or if mutually agreed upon between said corporation and the said town of Lee, at a less price; and the said corporation is authorized to make sale of the same to said town. This authority to purchase said franchise and property is granted on condition that the same is assented to by said town, by a two-thirds vote of the voters present and voting thereon, at any annual meeting or at a legal meeting called for that purpose.

Town may purchase charter and rights of company at cost.

Proviso.

SECTION 8. This act shall take effect upon its passage.

Approved February 28, 1878.

AN ACT to incorporate the Third Congregational Church in Chelsea.

Chap. 30

Be it enacted, etc., as follows:

SECTION 1. Jacob Pratt, Allison H. Palmer, Charles H. Newell and all other members of the Third Congregational Church in Chelsea, and their successors, as members of said church, are hereby made a corporation, with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force applicable to religious societies.

Corporators.

Powers and duties.

Corporate name. SECTION 2. Said corporation shall be called "The Third Congregational Church."

Real and personal estate. SECTION 3. Said corporation may hold real and personal estate, to an amount not exceeding fifty thousand dollars, for parochial and religious purposes.

SECTION 4. This act shall take effect upon its passage.

Approved February 28, 1878.

[1875, 217; 1877, 70.]

Chap. 31 AN ACT to amend Section Seven of Chapter Two Hundred and Seventeen of the Acts of the Year Eighteen Hundred and Seventy-five, making the Commissioners of the Sinking Funds of the City of Taunton, Trustees of the Water Loan Sinking Fund.

Be it enacted, etc., as follows :

Commissioners of sinking funds to be trustees thereof.

SECTION 1. Section seven of chapter two hundred and seventeen of the acts of the year eighteen hundred and seventy-five is hereby amended by striking out all words in said section after the word "discharged," and inserting the following: — "The commissioners of the sinking funds of said city of Taunton shall be trustees of said sinking fund; and shall annually, or as often as said city may require, render an account of all the doings in relation thereto."

SECTION 2. This act shall take effect upon its passage.

Approved February 28, 1878.

[1878, 140; 1880, 74.]

[1872, 190.]

Chap. 32 AN ACT to amend Chapter One Hundred and Ninety of the Acts of the Year Eighteen Hundred and Seventy-two, relating to the Alewife and other Fisheries in the Towns of Bridgewater, West Bridgewater, East Bridgewater and Halifax.

Be it enacted, etc., as follows :

Amendment to 1872, 190.

SECTION 1. Section three of chapter one hundred and ninety of the acts of the year eighteen hundred and seventy-two is hereby amended by adding after the word "flow," at the end of said section, the following words: — "And it shall be lawful for said towns to agree upon and take said fish at one common fishing place for all of said towns, upon either of said rivers or their tributaries, within their limits or upon that portion of the Taunton River within the limits of the town of Bridgewater; to regulate the taking of said fish under the direction of said commissioners, and to determine the manner in which the expense attending

such common fishing shall be apportioned between them, and to make all necessary appropriations therefor."

SECTION 2. This act shall take effect upon its passage.

Approved March 2, 1878.

[1876, 164.]

AN ACT to extend the Time for Applications for Damages for Land taken for the Location of the Massachusetts Central Railroad. *Chap. 37*

Be it enacted, etc., as follows:

The time within which claimants for damages for land taken by the Massachusetts Central Railroad Company for the location of its railroad may make application to the county commissioners, under the provisions of section seventy-eight of chapter three hundred and seventy-two of the acts of the year eighteen hundred and seventy-four, is hereby extended to the first day of May in the year eighteen hundred and seventy-nine.

Time extended for making applications for land damages.

Approved March 6, 1878.

[1879, 10, 253; 1880, 169; 1881, 94, 168, 190.]

[1870, 36; 1872, 54; 1875, 31; 1876, 12.]

AN ACT to extend the Time for commencing and completing the Cape Cod Ship Canal, and to reduce the Capital Stock of the Company. *Chap. 38*

Be it enacted, etc., as follows:

SECTION 1. The time fixed by chapter twelve of the acts of the year eighteen hundred seventy-six, for commencing and completing the Cape Cod Ship Canal, is hereby extended, so that said canal may be commenced within two years and completed within five years from the passage of this act: *provided*, that the capital stock of the Cape Cod Ship Canal Company shall not exceed the sum of four million dollars.

Time extended for constructing canal.

Capital stock not to exceed \$4,000,000.

SECTION 2. This act shall take effect upon its passage.

Approved March 6, 1878.

[1880, 238, 245.]

AN ACT to enable the Bristol County Agricultural Society to obtain its State Bounty. *Chap. 40*

Be it enacted, etc., as follows:

SECTION 1. The treasurer of the Commonwealth is hereby directed to pay to the Bristol County Agricultural Society the bounty it would have been entitled to receive, had it made its annual return on the tenth of January in the year eighteen hundred and seventy-eight.

To receive the state bounty.

SECTION 2. This act shall take effect upon its passage.

Approved March 7, 1878.

[1868, 309, 335; 1870, 334; 1872, 185; 1876, 106.]

Chap. 41

AN ACT concerning the Maintenance of Chelsea Bridge.

*Be it enacted, etc., as follows:*Maintenance of
bridge.

SECTION 1. The city of Chelsea shall maintain and repair that portion of Chelsea Bridge over Mystic River, lying north-easterly of the north-easterly draw therein; and the city of Boston shall maintain and repair that portion of said bridge lying south-westerly of said draw; and said draw, together with the draw-piers, shall be maintained and repaired equally by said cities.

Draw and draw-
piers.Liability for
damages.

SECTION 2. Said cities shall be respectively liable for damages resulting from defects in the portion of said bridge which by this act they are severally required to maintain and repair.

Repeal.

SECTION 3. All acts and parts of acts inconsistent with this act, are hereby repealed.

SECTION 4. This act shall take effect upon its passage.

Approved March 7, 1878.

[1880, 159.]

[1850, 102; 1852, 141, 263; 1859, 154; 1867, 72.]

Chap. 42

AN ACT to amend an Act to incorporate the Trustees of the Tufts College.

*Be it enacted, etc., as follows:*Amendment to
1852, 141, § 1.

SECTION 1. Section one of chapter one hundred and forty-one of the acts of the year eighteen hundred and fifty-two is hereby amended by striking out the word "twenty-three," the last word in said section, and substituting therefor the word "thirty."

Amendment to
1852, 141, § 2.

SECTION 2. The last clause of section two of the act aforesaid is also amended by striking out the word "half," and inserting instead thereof the word "third."

SECTION 3. This act shall take effect upon its passage.

Approved March 7, 1878.

[1877, 113.]

Chap. 43

AN ACT to authorize the Boston and Lowell Railroad Corporation to widen its Freight Bridge across Charles River.

*Be it enacted, etc., as follows:*May widen
freight bridge
across Charles
River.

SECTION 1. The Boston and Lowell Railroad Corporation is hereby authorized to widen the northerly portion of its freight bridge across Charles River, so far as may be necessary to make said bridge of a uniform width of

fifty-two feet across said river; subject to the approval of the harbor commissioners; but said widening shall not be subject to the provisions of chapter two hundred and eighty-four of the acts of the year eighteen hundred and seventy-four. Proviso.

SECTION 2. The said corporation is further authorized to construct such additions to said bridge at the southerly end thereof, between said bridge and Craigie's bridge, as may be necessary to furnish a direct connection of its tracks with the freight yards of said corporation; subject to the approval of the harbor commissioners and to the general laws of the Commonwealth. May construct additions to southerly end of bridge.
Proviso.

SECTION 3. This act shall take effect upon its passage.

Approved March 7, 1878.

[1879, 27; 1880, 169; 1881, 98.]

AN ACT in relation to Main Drains and Common Sewers in the Town of West Springfield. Chap. 44

Be it enacted, etc., as follows:

SECTION 1. The main drains and common sewers laid and constructed by the town of West Springfield shall be and remain the property of said town as if originally laid by the selectmen. Drains and sewers to be the property of the town.

SECTION 2. All persons or corporations who have suffered damage in their property by reason of the laying or making of said sewers and drains, shall, for the period of one year after the passage of this act, have the same rights and remedies relating thereto as if said laying and making had been done under chapter one hundred and eleven of the acts of the year eighteen hundred and sixty-nine. Damages caused by laying sewers.

SECTION 3. Every person or corporation who shall, after the passage of this act, have a drain or pipe connecting with said main drains or common sewers, shall pay said town for the privilege such reasonable sum as shall be determined by the selectmen; and any person or corporation aggrieved by such determination may, at any time within six months after the same is made known to such person or corporation, apply to the county commissioners of the county of Hampden for a revision thereof. If the county commissioners, after due hearing, reduce the amount to be paid for said privilege, such reduction shall be allowed by the selectmen, and the costs of the application and hearing shall be paid by said town; otherwise said costs shall be paid by the applicant. Privilege of using drains to be paid for.

Sums due for use of drains to be a lien upon the land.

SECTION 4. All sums due under the provisions of section three shall be a lien upon the land through which said drain or pipe is laid, for the same length of time, and may be collected in the same manner, as taxes upon real estate; or they may be sued for in an action of contract in the name of the town.

SECTION 5. This act shall take effect upon its passage.

Approved March 7, 1878.

Chap. 45 AN ACT transferring to the City Council of the City of Boston the Powers now vested in the Board of Engineers of said City, relating to Explosive Compounds and other Dangerous Substances.

Be it enacted, etc., as follows:

Powers conferred by statutes upon engineers of fire department of Boston, transferred to city council.

SECTION 1. All powers and duties conferred by existing statutes upon the engineers or board of engineers of the fire department of the city of Boston, or upon any member of said board, are hereby transferred to the city council of said city; and said powers and duties may be exercised and carried into effect by said city council in such manner as it may from time to time prescribe, and through the agency of any persons, board or boards to whom it may from time to time delegate the same.

SECTION 2. This act shall take effect upon its passage.

Approved March 11, 1878.

[1876, 240.]

Chap. 53 AN ACT to confer Criminal Jurisdiction upon Certain Municipal Courts in Boston, over the Islands and Waters of Boston Harbor.

Be it enacted, etc., as follows:

Concurrent jurisdiction of municipal courts over islands and waters of Boston Harbor.

SECTION 1. The municipal court of the city of Boston, the municipal court of the East Boston district, the municipal court of the Charlestown district and the municipal court of South Boston district, shall have and exercise, concurrently with each other, the same criminal jurisdiction that said courts now have within their respective districts, over all islands and waters which are now within the criminal jurisdiction of the superior court for the county of Suffolk; but the word "islands" herein shall not be taken to include East Boston.

SECTION 2. This act shall take effect upon its passage.

Approved March 13, 1878.

AN ACT to authorize the County Commissioners of Worcester County to borrow Money for Certain Purposes. *Chap. 54*

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of Worcester County are hereby authorized to borrow on the credit of said county, the sum of fifty thousand dollars, to be expended in erecting an addition to the court house in the city of Worcester.

May borrow money for erection of addition to court-house.

SECTION 2. This act shall take effect upon its passage.

Approved March 13, 1878.

[1876, 236.]

AN ACT authorizing the Eastern Railroad Company to make Leases, or other Running Contracts, with Railroads out of the Commonwealth. *Chap. 55*

Be it enacted, etc., as follows:

SECTION 1. The Eastern Railroad Company is hereby authorized to make new leases of railroads out of the Commonwealth, at present leased or operated by it; to renew or modify any existing leases of said railroads; or to make such other permanent running contracts or arrangements with said railroads as it may deem advisable: *provided*, that such leases, contracts or arrangements shall not be valid unless agreed to by the directors, and approved by a majority in interest of the stockholders of said company at a meeting called for that purpose, and by the trustees appointed under chapter two hundred and thirty-six of the acts of the year eighteen hundred and seventy-six.

Eastern Railroad may make new leases of railroads out of the state, at present leased or operated by it.

Provided:

SECTION 2. This act shall take effect upon its passage.

Approved March 13, 1878.

AN ACT to revive the Builders' Loan and Fund Corporation for Certain Purposes. *Chap. 56*

Be it enacted, etc., as follows:

SECTION 1. The corporation heretofore known as the Builders' Loan and Fund Corporation, and formerly located in Boston, is hereby revived and continued for the purpose of enabling the secretary and treasurer of said corporation to, and he is hereby authorized to, discharge and cancel a certain mortgage deed given by John C. Marston, late of Cambridge, now deceased, to said corporation, dated May seventh, eighteen hundred and fifty-five,

Corporation revived for the purpose of discharging a mortgage.

and recorded with Middlesex County deeds, south district, book seven hundred and thirty, page five hundred and forty-four, and to remise, release and quitclaim, in the name and on behalf of said corporation, to the heirs of said John C. Marston, the real estate described in said mortgage deed. Said corporation is revived for no other purpose whatever.

SECTION 2. This act shall take effect upon its passage.

Approved March 13, 1878.

[1870, 160; 1872, 116; 1876, 223.]

Chap. 57 AN ACT relating to the Water Loan Sinking Funds in the Towns of Malden, Medford and Melrose.

Be it enacted, etc., as follows:

Commissioners
of water loan
sinking fund to
be elected.

SECTION 1. Whenever the towns of Malden, Medford and Melrose, or either of them, shall have made any appropriation for, or otherwise have established, a water loan sinking fund, as authorized by the provisions of chapter one hundred and sixty of the acts of the year eighteen hundred and seventy, such town or towns, if it has not already been done, shall elect a board of commissioners of the sinking funds according to the provisions of chapter two hundred and nine of the acts of the year eighteen hundred and seventy-five, and the commissioners so chosen shall have the custody, management and control of the sinking fund so established under said first named act, and subject to the limitations as to the character of investments in said first named act mentioned, and to the further provision that the investment and accounts of said water loan sinking fund shall be made and kept separate from the other sinking funds of said towns.

Powers and
duties.

SECTION 2. This act shall take effect upon its passage.

Approved March 13, 1878.

[1836, 127; 1851, 15.]

Chap. 58 AN ACT to revive the Charter of the Attleborough Bank for Certain Purposes.

Be it enacted, etc., as follows:

Corporation re-
vived for the
purpose of exe-
cuting a deed.

SECTION 1. The existence of the corporation heretofore known as the president, directors and company of the Attleborough Bank, located in the town of Attleborough, is hereby revived and continued for the purpose of enabling said corporation, by a majority of the surviving

directors of said bank at the time when the same became an association for carrying on the business of banking under the laws of the United States, to execute a good and sufficient deed to the Attleborough National Bank, of any real estate or interests therein of said Attleborough Bank, and for no other purpose whatsoever.

SECTION 2. This act shall take effect upon its passage.

Approved March 13, 1878.

AN ACT to enable the American Molded Collar Company to reduce the Par Value of its Shares of Capital Stock. *Chap. 59*

Be it enacted, etc., as follows:

SECTION 1. The American Molded Collar Company may reduce the par value of its shares from one hundred dollars to fifty dollars each. May reduce par value of shares.

SECTION 2. This act shall take effect upon its passage.

Approved March 13, 1878.

[1877, 145.]

AN ACT to enable the County Commissioners of Franklin County to borrow Money on account of the Sunderland Bridge. *Chap. 60*

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of the county of Franklin may borrow on the credit of said county such sums, not exceeding in all twelve thousand dollars, in addition to the amount now authorized by law, as may be necessary for the purpose of paying such costs and expenses as said county may lawfully be required to pay on account of the Sunderland bridge. May borrow money on ac. count of Sunderland Bridge.

SECTION 2. This act shall take effect upon its passage.

Approved March 13, 1878.

[1763, 3; 1859, 150; 1860, 67; 1870, 293; 1872, 109.]

AN ACT to amend Section Six of Chapter Two Hundred and Ninety-three of the Acts of the Year Eighteen Hundred and Seventy, to incorporate the Town of Mashpee. *Chap. 61*

Be it enacted, etc., as follows:

SECTION 1. The sixth section of the two hundred and ninety-third chapter of the acts of the year eighteen hundred and seventy shall be so construed as to include the proper charges for the services of the commissioners provided for in said act, to be approved and allowed by the superior court, or some justice thereof, as a part of "the Construction of 1870, 293, § 6.

expenses of said commissioners," which shall be paid out of the treasury of the Commonwealth.

SECTION 2. This act shall take effect upon its passage.

Approved March 13, 1878.

[1878, 248.]

[1876, 194.]

Chap. 62 AN ACT relating to the Removal of the Inmates of the State Prison from Boston to Concord.

Be it enacted, etc., as follows:

Removal of inmates of state prison from Boston to Concord.

SECTION 1. At any time after the establishment of the state prison at Concord in the manner provided by law, any person lawfully confined under sentence of imprisonment in the state prison at Boston may be removed to and confined in said prison at Concord according to the terms and conditions of his sentence to said prison at Boston, or of any process lawfully issued in pursuance thereof; but nothing herein shall impair the validity of any sentence to said prison at Boston, or abridge the authority of the keeper thereof to detain any person lawfully sentenced to imprisonment therein.

SECTION 2. This act shall take effect upon its passage.

Approved March 14, 1878.

[1877, 100, 144.]

Chap. 63 AN ACT to authorize the City of Newton to lay and maintain a Main Drain in the Town of Watertown.

Be it enacted, etc., as follows:

Newton may construct a common sewer through part of Watertown.

SECTION 1. The city of Newton is hereby authorized, by its board of aldermen or by a board of three commissioners to be chosen by the city council, to lay and construct a main or connecting drain, or common sewer, which shall have a diameter of not less than seven feet, through that part of the town of Watertown which lies on the southerly side of Charles River, to be connected with and form a part of the main drain, or common sewer, authorized to be constructed by said city, through a portion of the city of Boston, by chapter one hundred and forty-four of the acts of the year eighteen hundred and seventy-seven. Such main or connecting drain, or common sewer, shall be the property, and shall be under the exclusive control, of the city of Newton, which shall keep and maintain the same in good order and condition.

SECTION 2. The city of Newton may take such land and buildings as may be necessary to accomplish the purposes of this act, and all damages sustained thereby shall be paid by the city of Newton; and the same may be ascertained and recovered, in the manner now provided by law, for the assessment of damages in the laying out of highways.

May take land and buildings.

Assessment of damages.

SECTION 3. The city of Newton may construct such drain or sewer over or under any water-course, highway, townway or other way, may change the course of any brook, may enter upon and dig up the same, for the purpose of constructing and maintaining such drain or sewer, and may do all such other acts as may be necessary to accomplish the work hereby authorized; but said city shall not unnecessarily interrupt public travel in the doing of said work; and the supreme judicial court in any county, or any justice thereof, in term time or in vacation, upon the complaint of the selectmen of Watertown, or of any corporation whose rights are, or are claimed to be, invaded, may direct the method of performing such work as may affect public travel, public rights or public health, and enforce such directions and orders by injunction or other suitable process.

May construct sewer over or under any water-course.

Method of doing the work may be directed by the S. J. C.

SECTION 4. Whenever the city of Newton shall dig up any highway, street or way, it shall restore the same to as good order and condition as the same was in when such digging was commenced, without unnecessary delay. And the city of Newton shall at all times indemnify and save harmless the town of Watertown, against, of and from, all damages which may be sustained by it, by reason of any defect or want of repair in any street or way caused by the construction, maintenance or repair of said drain or sewer.

Streets to be restored to good order and condition.

SECTION 5. The powers which the city of Newton is authorized to exercise through its mayor and aldermen, by chapter one hundred and forty-four of the acts of the year eighteen hundred and seventy-seven, may be exercised by the board of aldermen of said city.

Powers of city under 1877, 144, may be exercised by aldermen.

SECTION 6. The provisions of all general laws shall apply to said drain or sewer, so far as applicable; but no assessment shall be laid on any property without the territory of said city.

No assessment to be laid on property out of the city.

SECTION 7. The city of Newton shall be liable to pay all damages that shall be sustained by the town of Water-

Liability for damages.

town, or any person, persons or corporation, in his, their, or its property, by the taking of or injury to any real estate, water or water-rights, or by the interference with or injury to the use of any water-course to which the said town, person, persons or corporation, is legally entitled at the time of such taking; and in regard to such taking, injury or interference, and the ascertainment and payment of all such damages, the city of Newton, the town of Watertown, and all persons or corporations claiming damages, shall have all the rights, immunities and remedies, and be subject to all the duties, liabilities and regulations, which are provided in the one hundred and sixty-seventh chapter of the acts of the year eighteen hundred and forty-six, the one hundred and eighty-seventh chapter of the acts of the year eighteen hundred and forty-nine, and the three hundred and sixteenth chapter of the acts of the year eighteen hundred and fifty.

Watertown may enter a drain into the common sewer, upon six months' notice and paying for use.

Proviso.

SECTION 8. The town of Watertown and all persons and corporations are hereby prohibited from discharging any sewage, drainage, or pollution of any kind, into said main sewer, or into any stream or water-course diverted into said main sewer, without the permission of the city of Newton, except as is hereinafter provided. Said town of Watertown may enter a drain or sewer into such main sewer, upon giving six months' notice to said city of Newton of its desires so to do, if said city consents thereto, upon payment of a reasonable compensation to said city for the use of the same: *provided*, that the privileges granted by this act to the town of Watertown shall be and are hereby expressly restricted to that part of the territory thereof which lies south of Charles River.

If parties fail to agree, commissioners to be appointed.

If the city of Newton shall refuse its consent to such application, by or in behalf of the town of Watertown, or if the said city and the said town shall fail to agree upon the compensation to be paid by said town to said city for the use of said main sewer as aforesaid, either party may petition the supreme judicial court, for the appointment of a commission of three suitable persons, who shall hear the parties, and determine whether or not the town of Watertown shall be permitted to enter such sewer, and if so, upon what terms and conditions, and what compensation shall be paid to the city of Newton for such privilege. Such compensation may consist of a sum in gross, or of a yearly payment, to be made to said

city, as said commissioners shall decide; and the report of said commissioners or of a majority of them, being subject to a revision of and being accepted by the supreme judicial court, shall be final.

The entry of any drain or sewer into said main sewer shall be made under the direction of the city of Newton, except as is herein provided, and subject to such reasonable rules and regulations as may be made by the city council thereof.

If the town of Watertown, or any person, persons or corporation, shall, contrary to the provisions of this act, enter any drain or sewer, or conduct any sewage or drainage matter, or pollution of any kind, into any drain or sewer constructed by the city of Newton by virtue of this act, or into any water-course, channel or stream, natural or artificial, connected therewith, or shall wantonly or maliciously injure, or destroy, or divert, or obstruct, any such drain or sewer, or injure or destroy any machinery or property held, owned or used by the said city, under the authority and for the purposes of this act, such town, person, persons or corporation, shall forfeit and pay to the said city of Newton three times the amount of damages that shall be assessed therefor, to be recovered in any proper action.

Penalty for unlawful use of sewer.

It shall be lawful for the supreme judicial court, upon application of the city of Newton, to grant an injunction against any unlawful use of or interference by any one with any sewers or drains constructed by the city of Newton under this act, or against the unlawful entry of any drain or sewer, directly or indirectly, into the same, or into any water-course connected therewith; and damages therefor may be assessed by said court, as incident to such process.

Unlawful use of sewer may be restrained by S. J. C.

SECTION 9. This act shall take effect upon its passage.

Approved March 14, 1878.

[1878, 69; 1879, 147.]

[1876, 64.]

AN Act to extend the Time during which the City of Worcester is authorized to lay out a Public Park, and to establish and maintain a Reservoir.

Chap. 64

Be it enacted, etc., as follows:

SECTION 1. The time for taking and holding land, in accordance with the provisions of chapter one hundred

Time for taking land extended.

and ninety-six of the acts of the year eighteen hundred and seventy-three, is extended to the fifteenth day of April in the year eighteen hundred and eighty.

SECTION 2. This act shall take effect upon its passage.

Approved March 14, 1878.

[1880, 56.]

[1877, 100.]

Chap. 69 AN ACT to authorize the City of Newton to establish Grades for Drainage and Sewerage in said City.

Be it enacted, etc., as follows:

May establish
grades for
drainage and
sewerage.

SECTION 1. The board of aldermen of the city of Newton may from time to time establish grades for drainage and sewerage in any designated territory within said city, and after a grade has been so established, no person shall construct in such territory any cellar or basement cellar of any building below such established grade, or use or occupy any cellar or basement cellar so constructed: *provided*, that said board may, by license, subject to revocation at any time by them, authorize cellars to be constructed in buildings used exclusively for storage or business purposes, so much below said grade as they shall designate in said license.

Proviso.

May change
grades already
established.

SECTION 2. Said board, whenever they see cause, may change any grade already established; but such change shall not affect the right to maintain and use any cellar or basement previously constructed.

Cellars to be
constructed in
accordance with
provisions of
this act.

SECTION 3. If any person constructs or attempts to construct or use any cellar or basement cellar, in violation of the provisions of this act, said board may order the owner or occupant of such cellar or basement cellar, so to alter and construct the same, as to conform to the requirements hereof; and if such owner or occupant fails to comply with such order within ten days after service thereof, as is hereinafter provided, said board may cause the required alterations to be made therein, the expense whereof shall constitute a lien upon the land wherein such cellar or basement cellar shall be constructed, and upon the building or buildings thereon erected, and may be collected in the manner provided by law for the collection of taxes upon real estate. The city treasurer, in behalf of said city, may purchase such land, or such land and buildings, at any sale thereof for the enforcement of such lien.

Orders to be in

SECTION 4. All orders under the preceding section

shall be made in writing, and served upon the owners or occupants or their authorized agents, as prescribed by section nine of chapter twenty-six of the General Statutes, for the service of orders of boards of health; except that the advertisement provided for in said section shall be made in one or more public newspaper, in such manner and for such length of time as said board of aldermen may direct; and the supreme judicial court or any justice thereof, in term time or vacation, may, by injunction or other suitable process in equity, restrain any person or corporation from using or constructing any cellar or basement cellar in violation of the provisions of this act, and may enforce such provisions.

writing, and
may be enforced
by S. J. C.

SECTION 5. This act shall take effect upon its passage.

Approved March 15, 1878.

AN ACT concerning the Election of Moderator in the Town of Chatham. *Chap. 70*

Be it enacted, etc, as follows:

SECTION 1. The election of moderator heretofore made at the town meetings in the town of Chatham, so far as the same may appear illegal for the reason that the check-list was not used in said elections, is hereby ratified and confirmed, and the same shall be taken and deemed good and valid in law to all intents and purposes whatsoever.

Election of
moderator
confirmed.

SECTION 2. This act shall take effect upon its passage.

Approved March 20, 1878.

[1870, 337; 1872, 322; 1877, 228.]

AN ACT concerning the Relocation of Streets and Ways in the City of Boston. *Chap. 75*

Be it enacted, etc, as follows:

SECTION 1. Whenever the board of street commissioners of the city of Boston deem it necessary to locate anew a street or way in said city, either for the purpose of establishing the boundary lines of such street or way, erecting monuments thereon, or of making alterations in the course or width thereof, they may so locate such street or way by giving notice, and proceeding in the manner prescribed by law for laying out streets or ways in said city.

Relocation of
streets and ways
in Boston.

SECTION 2. Any person sustaining damage in his property by the location of a street or way, as provided in the preceding section, shall have his damages assessed and paid in accordance with the provisions of law in respect to

Assessment of
damages.

laying out, altering and discontinuing streets and ways in the city of Boston.

SECTION 3. This act shall take effect upon its passage.

Approved March 21, 1878.

[1879, 198.]

Chap. 78 AN ACT concerning Shell Fish on the Shores and Flats of Thompson's Island.

Be it enacted, etc., as follows:

Shell fish not to be taken from Thompson's Island without permission.

SECTION 1. Whoever takes any shell fish from the shores or flats of Thompson's Island in Boston Harbor without the permit of the managers of the Boston Asylum and Farm School for Indigent Boys, or the chief of the police of the city of Boston, shall for every offence pay a fine of not less than five dollars or more than ten dollars, and costs of prosecution; said fine to be recovered by complaint before the municipal court of the city of Boston.

Offender may be arrested without a warrant.

SECTION 2. Any constable or police officer of the city of Boston may without a warrant arrest any person whom he finds in the act of taking shell fish in violation of the provisions of the preceding section of this act, or in the act of carrying away shell fish so taken, and detain him in some place of safe keeping until a warrant can be procured against such person upon a complaint for said offence: *provided*, that such detention shall not exceed twenty-four hours.

Approved March 23, 1878.

Chap. 80 AN ACT to supply the Town of Wayland with Pure Water.

Be it enacted, etc., as follows:

Wayland to be supplied with water.

SECTION 1. The town of Wayland is authorized to supply itself and its inhabitants with pure water to extinguish fires, generate steam, and for domestic and other uses; to establish fountains and hydrants; to regulate their use and relocate or discontinue the same; and to fix and collect rents for the use of said water.

May take and hold the land and waters.

SECTION 2. Said town, for the purposes aforesaid, may take and hold the water, or so much thereof as may be necessary, with the water-rights connected therewith, of any springs, natural ponds, brooks or other water-sources, within its own limits; and may also take and hold all necessary lands for raising, holding and preserving such water, and conveying the same to any and all parts of said town;

and may erect thereon proper dams, buildings, fixtures and other structures; and make excavations, and procure and run machinery therefor, with such other means and appliances as may be necessary for complete and effective water works; and for that purpose may construct and lay down conduits, pipes and other works under or over any lands, water-courses or roads, and along any street, highway or other way in such manner as when completed not to unnecessarily obstruct the same; and for the purpose of constructing, laying down, maintaining and repairing such conduits, pipes and other works, and for all other proper purposes of this act, may dig up, raise and embank any such lands, highways or other ways in such manner as to cause the least hindrance to travel thereon: *provided*, that within ninety days after the time of taking any lands, water-sources or water-rights as aforesaid, otherwise than by purchase, said town shall file in the registry of deeds for the southern district of the county of Middlesex, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same is taken, signed by the selectmen.

To file in the registry of deeds a description of the land taken.

SECTION 3. The said town of Wayland shall be liable to pay all damages sustained by any persons or corporations in their property, by the taking of any lands, water, water-sources or water-rights, or by the construction of any aqueducts, reservoirs or other works for the purposes aforesaid. If any person, persons, or corporation sustaining damages as aforesaid, cannot agree with the town upon the amount of such damages, he or they may have them assessed by the county commissioners for the county of Middlesex, by making a written application therefor within two years after the taking of such land or water-sources or rights, or other injury done as aforesaid under this act, but not thereafter; and if either party be aggrieved by the doings of said commissioners in the estimation of said damages, he or they may have said damages settled by a jury; and said commissioners and jury shall have the same powers, and the proceedings in all respects shall be conducted in the same manner as is provided for by law with respect to damages for land taken for highways.

Liability for damages.

SECTION 4. For the purpose of paying all necessary expenses and liabilities incurred under the provisions of this act, said town shall have authority to issue notes, bonds or scrip from time to time, signed by the treasurer

"Wayland Water Loan" not to exceed \$25,000.

and countersigned by the chairman of the selectmen, to be denominated on the face thereof "Wayland Water Loan," to an amount not exceeding twenty-five thousand dollars, payable at periods not exceeding thirty years from the date thereof, with interest payable semi-annually at a rate not exceeding six per centum per annum; and said town may sell said securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms or conditions as it may deem proper. And said town shall annually raise by taxation an amount sufficient, together with the net income received from rents for the use of said water, to pay the interest on said loans as it accrues; and shall establish at the time of contracting said debt, a sinking fund, and contribute thereto by taxation from year to year, an amount not exceeding in any one year the sum of eight hundred dollars, excepting the year in which said securities mature; and said sinking fund shall remain inviolate and pledged to the payment of said debt, and shall be used for no other purpose. The board of water commissioners hereinafter named shall be the trustees of said fund, and shall report the condition of the same annually to the town.

Sinking fund to be established.

Penalty for diverting water or rendering it impure.

SECTION 5. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the water taken under this act, or uses the same for any purpose without consent of the town, or destroys or injures any dam, conduit, hydrant, machinery or other works or property held, owned or used by said town under authority of and for the purposes of this act, shall forfeit and pay to the said town three times the amount of the damages assessed therefor, to be recovered in an action of tort; and on conviction of either of the acts aforesaid, may be punished also by a fine of not less than twenty nor more than three hundred dollars, or by imprisonment in jail not exceeding one year, or by an infliction of both the above penalties.

Construction of works under persons to be chosen by town.

SECTION 6. At the meeting hereinafter provided for the acceptance of this act, five persons shall be elected by ballot to contract for and superintend the construction and completion of the said water works, who may exercise all rights, powers and privileges for that purpose herein granted, subject to the instructions of the town.

Water commissioners to be elected.

At said meeting there shall also be elected by ballot, a board of three water commissioners; one to serve until

the next annual meeting of the town thereafter, in March or April; one for a term one year longer; and the third for a term two years longer than the first: after which first election, one member of said board as the term expires shall be elected at the annual meeting, to serve for three years. Said commissioners shall have charge of the water works when completed, and may exercise all the rights, powers and authority granted to said town by this act relative to such duties, subject to such instructions as the town may from time to time impose by its vote; and a majority of said commissioners shall constitute a quorum for the transaction of business relative both to the water works, and as trustees of the sinking fund.

SECTION 7. The town of Wayland is hereby prohibited from discharging its drains or sewers already constructed or which may be hereafter constructed, into the water supply of the city of Boston, or brooks flowing into the same: *provided*, that this prohibition shall only apply to the discharge of polluted matter other than naturally flows from surface drainage.

Not to discharge drains or sewers into the water supply of Boston.

SECTION 8. This act shall take effect from its passage; but no expenditure shall be made or liability incurred under the same until the act is accepted by a vote of two-thirds of the legal voters of said town present and voting thereon, at a legal meeting called for that purpose; and this act shall be void unless so accepted by said town within two years from the date of its passage.

Subject to acceptance by a two-thirds vote of the legal voters.

Approved March 23, 1878.

[Accepted April 30, 1878.]

AN ACT to define and establish the Boundary Line between the Towns of Hanover and Rockland.

Chap. 81

Be it enacted, etc., as follows:

SECTION 1. The boundary line between the towns of Hanover and Rockland is hereby defined and established as follows, to wit:—Beginning at a monument in the north line of the town of Hanson twelve hundred and fifty meters easterly from the monument at the south-west corner of Rockland and running thence in a straight line north, eight degrees and twenty-seven minutes east, thirty-three hundred and forty meters, to the old stone monument at the south-west corner of the “Drinkwater shares,” near the Otis Ellis place; thence running north, one degree and fifty minutes west, thirty-eight hundred

Boundary line defined between Hanover and Rockland.

and sixty-three meters, to a monument in range with the northerly line between the towns of Hanover and South Scituate; thence running in said range south, eighty-eight degrees and six minutes east, thirteen hundred and twenty-five meters, to the old monument in said line at the corner of South Scituate and Rockland.

All the territory in said towns lying easterly and southerly from the above described lines shall be and remain in the town of Hanover, and all the territory lying westerly and northerly of said lines shall be and remain in the town of Rockland.

SECTION 2. This act shall take effect upon its passage.

Approved March 28, 1878.

- Chap. 82** AN ACT to authorize the Town of Marblehead to raise and appropriate Money for a Portrait of Benjamin Abbot and for Commemorative Tablets in Abbot Hall.

Be it enacted, etc., as follows:

May raise money for portrait of Benjamin Abbot.

SECTION 1. The town of Marblehead is authorized to raise by taxation and appropriate such sum of money as may be necessary, not exceeding one thousand dollars, for the purpose of obtaining a portrait of Benjamin Abbot, and also a commemorative tablet, to be placed in Abbot Hall in said town.

SECTION 2. This act shall take effect upon its passage.

Approved March 28, 1878.

- Chap. 83** AN ACT to authorize the the Trustees of the General Assembly of the United Presbyterian Church of North America to hold Real Estate in Massachusetts.

Be it enacted, etc., as follows:

May hold real estate not exceeding \$300,000.

SECTION 1. The trustees of the General Assembly of the United Presbyterian Church of North America, a corporation established by law in the Commonwealth of Pennsylvania, is hereby authorized and empowered to possess and hold real estate in the Commonwealth of Massachusetts, to an amount not exceeding the sum of three hundred thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved March 28, 1878.

[1873, 214.]

AN ACT relating to the Payment of Certain Damages, Liabilities, *Chap. 85*
Costs and Expenses by the Town of Lexington.

Be it enacted, etc., as follows :

SECTION 1. The town of Lexington is hereby authorized to raise money, by taxation or otherwise, for the purpose of meeting and defraying all expenses incurred in draining certain meadows therein, under chapter two hundred and fourteen of the acts of the year eighteen hundred and seventy-three, and all damages and liabilities incurred, and all costs and expenses to which any of its officers, agents or employes have been or may be subjected, by reason of any acts done as such in carrying out the provisions of said chapter, and the votes of said town thereunder, and all expenditures heretofore made for said purpose are hereby ratified and confirmed, notwithstanding the failure of said town legally to accept said act.

May raise money to meet expenses incurred in draining meadows.
1873, 214.

SECTION 2. This act shall take effect upon its passage,
Approved March 26, 1878.

AN ACT to divide the Town of Wilbraham and to incorporate the *Chap. 88*
Town of Hampden.

Be it enacted, etc., as follows :

SECTION 1. All the territory now within the town of Wilbraham, in the county of Hampden, which lies southerly of the following described line, that is to say: beginning at a stone monument on the east line of the town of Longmeadow, and eighteen hundred and thirty-two feet southerly by said line from the stone monument marking the north-east corner of said town of Longmeadow; thence south eighty-eight degrees and twenty-five minutes east, fourteen thousand one hundred and fifty-eight feet to a stone monument; thence north twenty-seven degrees and fifteen minutes east, three thousand three hundred and thirty-two feet to a stone monument; thence south eighty-eight degrees and twenty-five minutes east, nine thousand eight hundred and fifteen feet to a stone monument on the west line of the town of Monson; is hereby incorporated into a town by the name of Hampden; and the said town of Hampden is hereby invested with all the powers, privileges, rights and immunities, and is subject to all the duties and requirements to which other towns are entitled and subjected by the constitution and laws of this Commonwealth.

Town of Hampden incorporated.

Territorial limits.

Inhabitants of Hampden to pay assessed taxes to town of Wilbraham.

SECTION 2. The inhabitants of said town of Hampden shall be holden to pay all arrears of taxes which have been legally assessed upon them by the town of Wilbraham, and also their proportion of all county and state taxes that may be assessed upon the town of Wilbraham previously to the taking of the next state valuation, the same to be ascertained and determined by the last valuation in said Wilbraham; and such proportion of all county and state taxes, as well as all taxes heretofore assessed and not collected, shall be collected and paid to the treasurer of the town of Wilbraham, together with all interest on taxes now in the hands of the collector, in the same manner as if this act had not been passed.

Liability for support of paupers.

SECTION 3. Said towns of Wilbraham and Hampden shall be respectively liable for the support of all persons who now do or shall hereafter stand in need of relief as paupers whose settlement was gained whether by original acquisition or derivation within their respective limits; and the town of Hampden shall also pay annually to the town of Wilbraham its proportion of all the expenses incurred by the town of Wilbraham by reason of any settlement acquired in Wilbraham in consequence of military service in the war of the rebellion: *provided*, that the person who rendered such military service was not at the time of his enlistment an inhabitant of Wilbraham.

Suits may be prosecuted or defended by either town, where cause of action arose before passage of this act.

SECTION 4. All suits and proceedings at law or in equity, where the cause of action in favor of or against the town of Wilbraham arose before the passage of this act, may be instituted and prosecuted or defended as the case may be, by either or both of the towns of Wilbraham and Hampden or the inhabitants thereof in their corporate capacity, in the same manner and with the same effect as the town of Wilbraham might have instituted and prosecuted or defended such suits or proceedings had this act not been passed; and the amount recovered in any such suit or proceeding by or against said town of Wilbraham, or said town of Hampden, shall be received or paid, as the case may be, by the towns of Wilbraham and Hampden, in the same proportions as the public property and debts of the town of Wilbraham are required to be divided by this act: *provided*, that neither of said towns shall be liable for costs to the other, unless it appears in the suit; nor shall either town be so liable, unless it appears in a suit, for costs to the defendant therein, but only that town which appears shall be so liable for costs.

Proviso.

SECTION 5. The corporate property belonging to the town of Wilbraham at the date of the passage of this act, excepting such as may otherwise be lawfully disposed of, and the public debt of said town, shall be divided between the towns of Wilbraham and Hampden according to the valuation of the property within their respective limits, as assessed May first, in the year eighteen hundred and seventy-seven; and said town of Hampden shall receive from said town of Wilbraham a proportionate part of whatever amount may hereafter be refunded to said town of Wilbraham, from the state or the United States, to reimburse said town of Wilbraham for bounties or state aid to soldiers or their families, after deducting all reasonable expenses; and said towns of Wilbraham and Hampden shall bear the expense of making the survey and establishing the line between said towns, in the same proportions as the public property and debts of said town of Wilbraham are required to be divided by this act.

Division of corporate property and public debt.

Reimbursement for state aid.

SECTION 6. In case said towns of Wilbraham and Hampden shall not agree in respect to a division of property, debts, or state or county taxes, the superior court for the county of Hampden shall upon a petition of either town appoint three competent and disinterested persons as commissioners to hear the parties, and award thereon, and their award, or the award of any two of them, being accepted by said court, shall be final, and said petition may be filed and appointments made in vacation; and said court shall have jurisdiction to render judgment or make any order or decree upon said award, to issue execution or any other proper process to enforce such judgment, decree or order, but the award shall not be set aside unless for fraud or manifest error, in which case the court may recommit the award or appoint other commissioners with the same powers and duties as the first, of whose proceedings the court shall have the same jurisdiction as herein before provided. In making said award said commissioners shall assign the real estate, owned by said town of Wilbraham at the time of the passage of this act, to the town within which said estate shall be situated, so far as such assignment shall be practicable.

If towns do not agree upon division of property, etc., court to appoint commissioners.

SECTION 7. The town of Hampden, until otherwise provided by law, shall continue to be a part of the eleventh congressional district, of the eighth councillor district, of the first Hampden senatorial district, of the second

Election of national and state officers.

Hampden representative district, and within the jurisdiction of the police court of Springfield; and the voters of the town of Hampden shall vote for representatives to congress, senators and representatives to the general court, and members of the council, in said town of Hampden, at meetings legally called for that purpose; and the clerk of the town of Hampden shall make returns and meet with the clerks of the towns of Palmer, Ludlow and Wilbraham, for the purpose of ascertaining the result of the election of representatives for said second Hampden representative district, and making certificates of the same at noon on the day following said election, at such place as has been or may hereafter be legally designated for the meeting of said clerks.

First meeting
for election of
town officers.

SECTION 8. Any justice of the peace within and for the county of Hampden may issue his warrant, directed to any inhabitant of the town of Hampden, requiring him to notify and warn the inhabitants thereof, qualified to vote in town affairs, to meet at the time and place therein appointed, for the purpose of choosing all such town officers as towns are by law authorized and required to choose at their annual meetings: and said warrant shall be served by posting up copies thereof, attested by the person to whom the same is directed, in three public places in said town of Hampden, seven days at least before such time of meeting; such justice, or in his absence such inhabitant required to notify the meeting, shall preside until the choice of moderator of said meeting. The selectmen of the town of Wilbraham shall, before said meeting, prepare a list of voters in said town of Hampden qualified to vote at said meetings, and shall deliver the same to the person presiding at such meeting before the choice of a moderator thereof.

SECTION 9. This act shall take effect upon its passage.

Approved March 28, 1878.

Chap. 96 AN ACT to incorporate the Central Cemetery Association of Randolph.
Be it enacted, etc., as follows:

Corporators.

SECTION 1. Nathaniel Howard, Seth Mann, 2d, J. White Belcher, Seth Turner, Hiram C. Alden, Royal W. Turner, John B. Thayer, their associates and successors, are hereby made a corporation by the name of the "Central Cemetery Association of Randolph," for the purpose

Name and purpose.

of perfecting, controlling and improving the grounds set apart, used and known as the "Central Cemetery or Burial Ground" in the town of Randolph; and said corporation shall have all the powers and be subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force applicable to similar corporations, except as is hereinafter provided.

Powers and duties.

SECTION 2. A majority in numbers and interest of the proprietors of said cemetery or burial ground, present and voting at a meeting legally notified for such purpose, may organize said corporation under this act.

Organization.

SECTION 3. Said corporation may, for the purpose of constructing a sidewalk in front of said cemetery, take a strip of land from the front thereof not exceeding four feet in width, and any person damaged by such taking shall have his damages assessed in the same manner provided for assessing damages in case of taking land for highway purposes: *provided*, that said corporation shall first cause all remains, if any, interred in that portion of the burial ground so taken, to be removed and buried elsewhere under such reasonable directions as the relatives, if any, of the deceased may give; and the expense of such removal and re-interment shall be defrayed by the said corporation.

May construct sidewalk in front of cemetery.

Remains to be removed and buried elsewhere.

SECTION 4. The said corporation may acquire by gift, devise or purchase, and hold in fee simple, so much real estate in the town of Randolph, and may also hold so much personal property, as may be necessary for the objects connected with and appropriate to the purposes of said corporation.

Real and personal estate.

SECTION 5. This act shall take effect upon its passage.

Approved March 29, 1878.

[1852, 94 ; 1856, 158 ; 1873, 126 ; 1877, 146.]

AN ACT relative to the Board of Overseers of the Poor of the City of Springfield.

Chap. 97

Be it enacted, etc., as follows :

SECTION 1. The city physician of the city of Springfield shall be, *ex officio*, a member of the board of overseers of the poor of said city, and shall be duly sworn to the faithful discharge of his duties as such member.

City physician to be one of the overseers of the poor.

SECTION 2. This act shall take effect upon its passage.

Approved March 29, 1878.

Chap. 98 AN ACT to confirm Certain Acts done by Lyman A. Ely as a Justice of the Peace.

Be it enacted, etc., as follows :

Acts done as a
justice of the
peace confirmed.

SECTION 1. All acts done by Lyman A. Ely as a justice of the peace within and for the county of Worcester, between the seventh day of May in the year eighteen hundred and seventy-six, and the sixteenth day of October in the year eighteen hundred and seventy-seven, are hereby made valid and confirmed to the same extent as though he had been during that time qualified to discharge the duties of said office.

SECTION 2. This act shall take effect upon its passage.
Approved March 29, 1878.

[1870, 365 ; 1876, 144 ; 1877, 56.]

Chap. 99 AN ACT relating to the Butchers' Slaughtering and Melting Association.

Be it enacted, etc., as follows :

May increase
capital stock.

SECTION 1. The Butchers' Slaughtering and Melting Association is hereby authorized to increase its capital stock to an amount not exceeding three hundred thousand dollars; and the holders of the bonds of said corporation may exchange the same for an equal amount of the stock of said corporation at par, within the limit hereby fixed to the amount of said capital stock.

Duties and
liabilities.

SECTION 2. Said corporation shall have the rights and be subject to the liabilities set forth in chapter two hundred and twenty-four of the acts of the year eighteen hundred and seventy and the acts in addition thereto; but said corporation shall continue subject to all the duties and obligations now imposed upon it by its charter and any laws in addition to or amendment of the same.

SECTION 3. This act shall take effect upon its passage.
Approved March 29, 1878.

[1877, 191.]

Chap. 101 AN ACT in addition to an Act establishing the City of Salem.

Be it enacted, etc., as follows :

Board of alder-
men to consist
of seven mem-
bers.

SECTION 1. The board of aldermen of the city of Salem shall consist of seven members; and at any time after the acceptance of this act in the manner hereinafter provided, the board of aldermen of said city may issue a warrant for the election of one additional member of said board, to

serve until the expiration of the present municipal year, in the manner now provided by law in the case of vacancies occurring in said board; and at the next annual election for municipal officers there shall be chosen seven members of said board.

SECTION 2. This act shall take effect upon its acceptance by a two-thirds vote of each branch of the city council, but shall be void unless so accepted within sixty days from its passage.

Approved March 30, 1878.

[Accepted April 12, 1878.] [1880, 78.]

Subject to acceptance by a two-thirds vote of the city council.

[1877, 41.]

AN ACT concerning the Treasurer and Collector of the City of Cambridge.

Chap. 102

Be it enacted, etc., as follows:

SECTION 1. The treasurer and collector of the city of Cambridge may be removed from office at any time for sufficient cause, by the mayor with the consent and approval of three-fourths of all the members of each branch of the city council, upon a ye and nay vote. The city council shall in convention by joint ballot elect a successor to any treasurer and collector thus removed, and the collector thus chosen shall complete the collection of all taxes and assessments which were committed to the former collector, and all proceedings in such collection shall be conducted in the same manner as is provided by law in the case of the death of a collector.

May be removed from office by city council.

Successor to be elected by city council.

SECTION 2. All fees, charges and commissions of every kind and description allowed by law for the collection of taxes, betterments, rates and assessments of every kind to any person or persons authorized to collect the same upon any warrant or other command hereafter directed to the treasurer and collector of the city of Cambridge in his capacity as treasurer or as collector or as both treasurer and collector, shall be collected and paid into the treasury of said city, and shall be the property of said city. The city may pay to such person such compensation for his services as the city council shall from time to time determine.

Charges allowed by law for collection of taxes, etc., to be paid into city treasury.

Compensation.

SECTION 3. This act shall take effect upon its passage.

Approved March 30, 1878.

[1879, 190.]

Chap. 108 AN ACT relative to funding the Floating Debt of the City of Fall River.*Be it enacted, etc., as follows:*

Fall River may
borrow money
to fund floating
debt.

SECTION 1. For the purpose of funding the floating debt of the city of Fall River, the city council of said city is hereby authorized to borrow from time to time, an amount of money not exceeding in all the sum of two hundred and fifty thousand dollars, in addition to the amounts now authorized by law, and to issue therefor the bonds of said city, payable not more than twenty years from the time of their issue in the lawful money of the United States. And said council may dispose of the whole or any part of said bonds, at any time or times, for money borrowed for the purposes aforesaid, upon such terms as said council may deem proper. And said council is hereby further authorized to grant appropriations and assess from time to time, sums of money sufficient for the payment of the interest on such bonds so issued and outstanding, in the same manner as moneys are appropriated and issued for other said city purposes; and all money so borrowed as aforesaid shall be applied in payment of said floating debt, and for no other purpose or purposes whatsoever.

May grant
appropriations
for the payment
of interest on
bonds.

SECTION 2. This act shall take effect upon its passage.

Approved April 3, 1878.

Chap. 109 AN ACT to confirm the Election of Moderator in the Town of Bradford.*Be it enacted, etc., as follows:*

Election of mod-
erator ratified
and confirmed.

SECTION 1. The election of moderator made at a town meeting held on the eighteenth day of March in the year eighteen hundred and seventy-eight, in the town of Bradford, so far as the same may appear illegal for the reason that the check list was not used in said election, is hereby ratified and confirmed, and the same shall be taken and deemed good and valid in law to all intents and purposes whatsoever.

SECTION 2. This act shall take effect upon its passage.

Approved April 3, 1878.

[Special Laws, vol. 2, pp. 94, 344, 495; vol. 3, pp. 132, 244; 1813, 141; 1824, 29; 1870, 355.]

AN ACT abolishing the Tolls on Connecticut River Bridge between the Towns of Deerfield and Montague. **Chap. 110**

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of the county of Franklin are hereby authorized to contract with the proprietors of Connecticut River Bridge, at any time within one year from the passage of this act, for the use by the public, free of tolls, of that portion of the bridge of the said proprietors which is now used as a toll bridge; and the said proprietors are authorized to lease the same to the said commissioners and their successors for the use of the public, for such period and upon such terms and conditions as may be agreed upon by the said commissioners and the said proprietors. The rent to be paid for the use of the bridge by the public shall be fixed by said contract, and may be made payable in one sum or in annual or semi-annual payments as shall be stipulated in said contract, and shall be paid to the said proprietors from the treasury of the county of Franklin. When the said contract shall have been executed, the county commissioners shall file the same in the office of the clerk of the supreme judicial court for the county of Franklin; and thereafter no tolls shall be demanded upon said bridge during the period for which the same shall have been leased by said contract for the use of the public.

County commissioners may contract with proprietors for the use of the bridge by the public, free of tolls.

Contract to be filed in office of clerk of courts.

SECTION 2. The supreme judicial court sitting in any county or any justice thereof, after such notice as the said court or justice may order, upon the application of the county commissioners of the county of Franklin or of the selectmen of any town in said county, made after the said contract shall have been executed, shall appoint a board of three commissioners; and said commissioners having first been duly sworn to the faithful and impartial discharge of their duties, shall after due notice to all parties interested and a hearing thereon, determine and award what towns in the county of Franklin are or will be specially benefited by the provisions of the first section of this act and by the contract to be made in pursuance thereof, and shall determine and award what proportions of the rent stipulated to be paid under said contract for the use of said bridge, not less than nine-tenths thereof in all, shall be paid to the said county by the said towns respectively. If the whole ex-

Commissioners may be appointed by S. J. C. to determine the amount of rent to be paid by towns benefited.

Expenses of
maintenance
and repairs.

Liability for
damages.

pense of repairing and maintaining the said bridge shall not be assumed under said contract by the said proprietors, the said commissioners shall also determine in what proportions and manner the said county of Franklin and the towns benefited as aforesaid shall defray the expenses of the maintenance and repairs of said bridge which may be assumed by the lessees, and shall determine and award in what proportions and to what extent the said towns benefited as aforesaid shall be liable to reimburse the said county for any penalties or damages which may hereafter be paid for any neglect in keeping the same safe and convenient for travel. The said county shall be primarily liable however for the payment of such penalties and damages. The said commissioners shall also determine in what proportions all other costs and expenses incurred under this act, including the fees and expenses of the commissioners, shall be paid by the said county and towns respectively. And their determination and award, or that of the major part of them, shall be made in writing and reported to the supreme judicial court for the county of Franklin, and the same shall be final and binding upon all parties interested therein, when the same shall have been accepted and judgment shall have been entered thereon by the supreme judicial court.

SECTION 3. This act shall take effect upon its passage.

Approved April 3, 1878.

[1877, 197.]

Chap. 111 AN ACT concerning the New York and New England Railroad Company.

Be it enacted, etc., as follows:

May construct
approaches
from present lo-
cation, to prop-
erty on west side
of Fort Point
Channel.

SECTION 1. The New York and New England Railroad Company, for the purpose of improving its terminal facilities in Boston, may construct suitable approaches for the use of said railroad from the present location of said road to any property occupied or owned by it upon the west side of Fort Point Channel: *provided*, that said approaches shall not interfere with the present draw in Fort Point Channel, or with the access to any property not now occupied or owned by said railroad company, and that they be constructed upon piles wherever outside of the commissioners' line, and subject to all general laws applicable to the building of structures in tide water.

SECTION 2. This act shall take effect upon its passage.

Approved April 3, 1878.

[1877, 118; 1879, 67, 271; 1880, 17, 260.]

AN ACT to incorporate the Proprietors of Maple Grove Cemetery.

Chap. 112

Be it enacted, etc., as follows:

SECTION 1. Silas Mosman, John B. Wood, R. E. Robertson, L. H. Brigham, Emerson Gaylord, George M. Stearns, Amaziah Bullens, J. T. Ames, S. A. Jacobs and J. B. Fuller, their associates and successors, are hereby made a corporation by the name of Proprietors of Maple Grove Cemetery; and said corporation shall have all the powers, and be subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force applicable to such corporations.

Corporators.

SECTION 2. Silas Mosman, John B. Wood and R. E. Robertson, are hereby authorized, whenever said corporation shall be duly organized, to release and convey to said corporation all the real estate and rights of property, which they hold as trustees under the deeds by which the Springfield Canal Company heretofore conveyed certain lands in Chicopee to James K. Fletcher, Benning Leavitt and Austin Chapin, second, in trust for the use of the inhabitants of Cabotville, to be set apart as a burial ground for said village of Cabotville: *provided*, however, that the said conveyance herein authorized shall not be made until the selectmen of the town of Chicopee shall give their consent thereto in writing. Upon such conveyance being made, the said trustees shall be released from any further trust in reference thereto; and said corporation shall take and hold the lands so released and conveyed, in trust, for the purposes specified in said deeds. Said corporation shall thereupon have the management and control of the burial ground in the town of Chicopee which is known as Maple Grove Cemetery, including all additions which have been or may hereafter be made to said cemetery; and may make such rules and regulations for the management, use, preservation and ornamentation of the said cemetery as may be deemed necessary, said rules and regulations not to be inconsistent with the laws of this Commonwealth nor with the terms of said deeds.

Powers and duties.

Trustees may convey lands held for a burial ground in Cabotville.

Proviso.

Corporation to have control of burial ground.

SECTION 3. Said corporation may receive and hold any gifts, grants, donations or bequests, for the benefit and improvement of said cemetery; and shall manage and apply said gifts, grants, donations or bequests, in such manner as may be prescribed by the donor or grantor thereof; may also establish a permanent fund, not to exceed in amount the sum of ten thousand dollars; may

May receive and hold bequests, grants and donations.

Permanent fund not to exceed \$10,000.

invest the same in such securities as the said corporation may from time to time determine, and apply the income thereof to the improvement and preservation of said Maple Grove Cemetery.

Subject to acceptance by the selectmen.

SECTION 4. This act shall take effect whenever it shall be accepted by the board of selectmen of the town of Chicopee.

Approved April 3, 1878.

[Accepted July 1, 1878.]

[Boston and Worcester, 1831, 72; 1832, 153; 1833, 91; 1841, 128; 1846, 177; 1848, 253; 1849, 8, 170; 1850, 43; 1851, 113, 297; 1853, 185, 336; 1854, 337; 1859, 1; 1864, 54; 1866, 71, 278; 1867, 270. Western, 1833, 116; 1836, 161; 1837, 172; 1838, 9; 1839, 50, 70; 1841, 131; 1844, 33; 1845, 33, 72, 196, 210, 230; 1847, 261, 266; 1848, 282; 1849, 232; 1851, 277, 314, 326; 1852, 156, 176, 278, 315; 1855, 347, 456; 1856, 168; 1859, 192, 242; 1861, 193; 1866, 300; 1867, 76, 170, 270. B. and A., 1867, 270; 1868, 319; 1869, 212, 256, 261, 264, 440, 461; 1870, 210, 269, 405; 1871, 162, 228, 343; 1872, 99, 124; 1873, 289, 293, 357; 1874, 73, 296, 396; 1875, 214; 1876, 134.]

Chap. 113 AN ACT in relation to Meetings of the Directors of the Boston and Albany Railroad Company.

Be it enacted, etc., as follows:

Stated meetings of directors to be held once each month.

SECTION 1. Stated meetings of the directors of the Boston and Albany Railroad Company shall be held regularly and at least once in each month at such time and place as said directors shall determine.

SECTION 2. This act shall take effect upon its passage.

Approved April 3, 1878.

[1878, 252; 1880, 172.]

Chap. 114 AN ACT to incorporate the Trustees of the Public Library of the City of Boston.

Be it enacted, etc., as follows:

Trustees of the public library of the city of Boston, incorporated.

SECTION 1. The trustees of the public library of the city of Boston for the time being are hereby made a corporation by the name of the Trustees of the Public Library of the City of Boston; and said trustees and their successors in office shall continue a body corporate for the purposes hereinafter set forth, with all the powers and privileges and subject to all the duties, restrictions and liabilities in the general laws relating to such corporations.

Real and personal estate not to exceed \$1,000,000.

SECTION 2. Said corporation shall have authority to take and hold real and personal estate to an amount not exceeding one million dollars, which may be given, granted, bequeathed or devised to it, and accepted by the trustees for the benefit of the public library of the city of Boston or any branch library, or any purpose connected there-

with. Money received by it shall be invested by the treasurer of the city of Boston under the direction of the finance committee of said city; and all securities belonging to said corporation shall be placed in the custody of said treasurer: *provided, always*, that both the principal and income thereof shall be appropriated according to the terms of the donation, devise or bequest, under the direction of said corporation.

Investments.

SECTION 3. The trustees of the public library shall be seven in number. In the month of April in the year eighteen hundred and seventy-eight and annually thereafter in the month of January, the city council shall elect, by concurrent vote of the two branches, one member of the board of aldermen, and one member of the common council, to be members of said board of trustees, to hold office during the remainder of the municipal year in which they are elected, and until others are elected in their places. And in the month of April in the year eighteen hundred and seventy-eight, the mayor shall appoint, subject to the confirmation of the city council, five citizens of Boston, not members of the city council, to be members of the board of trustees of the public library, one of whom shall hold office for five years, one for four years, one for three years, and one for two years, and one for one year; and upon such election, and such appointment and confirmation, the terms of office of the trustees of the public library then holding office shall cease and determine. And annually thereafter, in the month of April in each year, the mayor shall appoint, subject to the confirmation of the city council, one citizen at large as a trustee of the public library, to serve for a term of five years from the first Monday in May in the year in which he shall be appointed. The trustees shall at all times be subject to removal from office for cause by a vote of two-thirds of each branch of the city council present and voting thereon. Whenever any vacancy shall occur in said board of trustees by death, resignation or otherwise, said vacancy shall be filled by the election or appointment, in the manner aforesaid, of another trustee, who shall hold office for the residue of the unexpired term. No member of said board of trustees shall receive any pecuniary compensation for his services.

Trustees to be seven in number.

Removal from office.

SECTION 4. The members of said board shall meet for organization on the first Monday of each May, and choose one of their number as president. They shall have power

Organization of board of trustees.

to make such rules and regulations relating to said public library and its branches, and its officers and servants, and to fix and enforce penalties for the violation of such rules and regulations, as they may deem expedient: *provided*, that the same shall not be inconsistent with the provisions of this act, and shall be subject at all times to such limitations, restrictions and amendments as the city council may direct.

Trustees to have care and control of the central library and its branches.

SECTION 5. The said trustees shall have the general care and control of the central public library now located in Boylston street in said city and of all branches thereof, which have been or which may hereafter be established, together with the buildings and rooms containing the same, and the fixtures and furniture connected therewith, and also of the expenditures of the moneys appropriated therefor.

May appoint librarian and assistants, and fix their compensation.

SECTION 6. The said board of trustees may appoint a superintendent or librarian with such assistants and subordinate officers as they may think necessary or expedient, and may remove the same, and fix their compensation: *provided*, that the amount thus paid shall not exceed the sum appropriated by the city council for that item of expense, and the income of any moneys which may lawfully be appropriated for the same purpose from funds or property held by said trustees under the provisions of this act,

Proviso.

City council may pass ordinances as to duties of board.

SECTION 7. The city council shall have power to pass such ordinances not inconsistent herewith or repugnant to other laws of the Commonwealth as to the duties and authority of said board as they may from time to time deem expedient.

SECTION 8. This act shall take effect upon its passage.

Approved April 4, 1878.

[1880, 222.]

[Special Laws, vol. 2, p. 253].

Chap. 115 AN ACT relating to the Fourth Congregational Precinct in Rochester.
Be it enacted, etc., as follows:

Name changed.

SECTION 1. The name of the Fourth Congregational Precinct in Rochester, is hereby changed to the First Congregational Society in Marion.

Acts legalized and confirmed.

SECTION 2. All acts which have been done and performed by the Fourth Congregational Precinct in Rochester since the year eighteen hundred and fifty, under the name of the Congregational Precinct in Marion, the First

Congregational Precinct in Marion, or the First Congregational Society in Marion, are hereby legalized and confirmed, and made of the same force and effect as if performed under its corporate name.

SECTION 3. Said corporation is hereby authorized to hold personal and real estate to the amount of thirty thousand dollars, subject to all the laws which now do or may hereafter apply to such religious societies.

Real and personal estate,
\$30,000.

SECTION 4. This act shall take effect upon its passage.

Approved April 4, 1878.

[1877, 170.]

AN ACT to authorize the Boston, Clinton, Fitchburg and New Bedford Railroad Company to discontinue its Passenger Station in New Bedford.

Chap. 117

Be it enacted, etc., as follows :

The Boston, Clinton, Fitchburg and New Bedford Railroad Company is authorized to discontinue its passenger station on Pearl Street in New Bedford, and to provide other depot accommodations in such place or places in said city as may be approved by the board of railroad commissioners and the city council of the city of New Bedford.

May discontinue passenger station, and provide other accommodations in New Bedford.

Approved April 4, 1878.

[1877, 197.]

AN ACT concerning certain Stations of the New York and New England Railroad Company in Newton.

Chap. 118

Be it enacted, etc., as follows :

SECTION 1. The New York and New England Railroad Company is hereby directed, within one year from the passage of this act, to provide a suitable passenger station with accommodations not inferior to those at either of the present stations in the village of Newton Centre, and suitable approaches thereto from both Cypress and Station streets, and to locate the same between its present stations in the village of Newton Centre, at a point to be approved by the board of railroad commissioners.

To provide another passenger station in Newton Centre.

SECTION 2. Upon the establishment of the station as aforesaid to the approval of said board of railroad commissioners, said board is directed to order the discontinuance of the present upper and lower stations at said village.

Upper and lower stations to be discontinued.

SECTION 3. For the purpose of securing suitable freight and passenger accommodations in the village of Newton Centre, and suitable approaches thereto, the New York

May take land subject to approval of railroad commissioners.

and New England Railroad Company may, within one year from the passage of this act, take or purchase, hold and use, such parcels of land as in the judgment of the railroad commissioners may be convenient therefor.

General laws relating to taking land, to govern proceedings.

SECTION 4. All general laws relating to the taking of land for railroad purposes and the location and construction of railroads shall be applicable to and govern the proceedings in the taking of said lands.

SECTION 5. This act shall take effect upon its passage.

Approved April 4, 1878.

[1879, 67, 271; 1880, 17, 260.]

[1867, 132.]

Chap. 120

AN ACT relating to Sidewalks, Crosswalks, Common Sewers and Main Drains in the Fire District of the Town of Pittsfield, and for other purposes.

Be it enacted, etc., as follows :

Board of commissioners of sidewalks and drains in Pittsfield.

SECTION 1. From and after the passage of this act, there shall continue to be a board of commissioners of sidewalks, common sewers and main drains of the fire district in the town of Pittsfield, with the powers and duties now provided by law, except as the same are modified by this act. The persons now constituting said board shall continue to hold their said offices for the terms for which they were severally chosen; and said district shall hereafter, at each annual meeting, elect by ballot one such commissioner, whose term of office shall be for three years. And said district shall have authority to fill any vacancy in said board at any meeting of said fire district regularly called for that purpose. Said commissioners shall be sworn, and shall receive such compensation as shall be fixed by vote of said fire district, at a meeting called for that purpose.

Vacancies.

Compensation.

To expend money raised, as prescribed by vote of the district.

SECTION 2. Said district may, at meetings called for that purpose, raise money for the purpose of carrying out the provisions of this act, and said board shall expend the same for the purposes prescribed by vote of the district; and every member of said board of commissioners shall be accountable to the said district for any money received by him, and said district may maintain a suit therefor in the name of the inhabitants. Said board shall not expend any money which has not been duly appropriated by the district, and shall have no authority to bind the district to the payment of money in excess of its appropriations, or for any purpose not specified by the vote of the district appropriating the same.

SECTION 3. The clerk of the district shall certify to the assessors of the town of Pittsfield all sums voted to be raised by the district under the provisions of this act; which sums shall be assessed and collected by the officers of the town in the same manner as the town taxes are assessed and collected, and shall be paid over to the treasurer of said district, who shall hold the same, subject to the order of said board. The clerk of said district shall act as clerk of said board, and shall enter all its proceedings in the records of said district; and all records of the acts and proceedings of said board heretofore made by any clerk of said district, or by said commissioners, and certified copies thereof, shall be admissible in evidence as if made after the passage of this act.

Clerk of district to certify to assessors of town all sums voted to be raised.

Clerk of the district to be clerk of the board.

SECTION 4. It shall be the duty of said board, under the supervision and direction of said district, to construct, reconstruct, repair, maintain, and have charge of all main drains, common sewers, and sidewalks in said fire district, and of all matters pertaining thereto as herein provided, and to construct such crosswalks as may be ordered by said district, and to keep maps and plans of all such main drains and common sewers.

Board to have charge of all drains, etc., in the district.

SECTION 5. Said board shall have authority to determine the grade, width and material, including curbstone, of all sidewalks on the public streets and highways of said district; and to construct, reconstruct and repair such sidewalks in accordance with such determination. Upon the completion of any sidewalk by said board, or the completion of the reconstruction or repair of any sidewalk, said board shall ascertain, determine and certify the whole expense of such making, reconstruction or repair, and shall cause a record thereof to be made, and shall assess the amount of the same upon all the lands specially benefited by such making, reconstruction or repair, whether such lands abut on such sidewalk or not.

To determine grade and width of sidewalks.

SECTION 6. Said board shall have power to determine when, in what manner and to what extent, snow, ice, grass, herbage, trees and other obstructions, shall be removed from the sidewalks in said district, or from any of the same, or any portion thereof, and to fix by-laws and penalties regulating the same, subject to the approval of said fire district, and also by-laws and penalties prohibiting the deposit of ashes, garbage, fifth or other refuse matter, on the streets and sidewalks within the limits of said district.

To determine what obstructions shall be removed from sidewalks.

Sidewalks not to be dug up without consent of board.

SECTION 7. No sidewalk, graded, constructed, reconstructed or repaired in said district, in conformity to the provisions of this act, shall be dug up or obstructed in any part thereof, without the consent of said board; and whoever rides or drives a horse or team, or uses any vehicle moved by hand, other than those used for the carriage of children, invalids or persons disabled, upon or along such sidewalk, except to cross the same, or shall dig up or otherwise obstruct the same without such consent, shall forfeit a sum not less than one nor more than five dollars for each violation of the provisions of this section.

Crosswalks may be constructed.

SECTION 8. Said fire district, at meetings called for that purpose, may order said board to construct crosswalks in any of the streets in said district on which they have authority to construct sidewalks. Said board shall construct all such crosswalks at the expense of said district, and shall repair and reconstruct the same when ordered by said district, and at its expense:

Board to construct drains, and take land for that purpose.

SECTION 9. Said board shall lay, make, reconstruct and maintain in said fire district, all such main drains and common sewers as said fire district, at a legal meeting called for that purpose, shall by vote adjudge to be necessary for the public convenience or the public health, and may repair the same from time to time whenever necessary; and for these purposes may take, in the manner hereinafter provided, any land which in their opinion may be necessary therefor. Upon the completion of any main drain or common sewer by said board, or the completion of the reconstruction or repair of such sewer or drain, said board shall ascertain, determine and certify the whole expense of such making, reconstruction or repair, and shall cause a record thereof to be made and kept; and said board shall then assess two-thirds of the said whole expense upon all lands in any way benefited by such making, reconstruction or repair, and including all lands connected therewith by any particular drain.

Two-thirds of expense to be assessed upon lands benefited.

Regulation of drains and sewers.

SECTION 10. All the main drains and common sewers in said district shall be the property of said district, and shall be under the charge and control of said board, who shall have power and authority to regulate the use of the same, and to prescribe the mode in which the same shall be entered by private drains from lands which have been assessed for the expense of their construction, and upon proper compensation therefor, to allow the same to be

used to drain lands not so assessed, and to prescribe the manner of such use, and also, upon proper compensation therefor, to allow the use of the same in such manner as they shall direct, for the purpose of draining the public and private streets and ways and highways in said district. And no person shall be allowed to enter or discharge into a main drain or common sewer any private drain connecting any land which has not been assessed for the expense of building or repairing such main drain or common sewer under this act, except by leave of said board, and on payment of such compensation as said board shall prescribe; and all such private drains entering any main drain or common sewer shall be under the exclusive charge and control of said board, who shall have authority to make and execute orders concerning the same as though the same were constructed by said board under this act. The provisions of this section shall apply to and govern the use of all sewers and drains in said district, and to the compensation to be made for such use whether the same have been heretofore or shall be hereafter constructed.

SECTION 11. All assessments so made by said board shall constitute a lien on the real estate assessed, for two years from the time of assessment, and for one year after the final determination of any suit or proceeding in which the amount or validity of such assessment shall be drawn in question. Every assessment made by said board shall be recorded in books to be kept for that purpose, and a list thereof shall be committed by said board for collection to the person then authorized by law to collect taxes in said district. Said collector shall forthwith publish the same for three successive weeks in some newspaper published in said district, and shall, on or before the day of the last publication thereof, demand payment of the same of the owner or occupant of the land assessed, if known to him and within his precinct. If any such assessment shall not be paid within three months from the last publication of said list, he shall levy the same with incidental costs and expenses, by sale of the land, such sales to be conducted in like manner as sales of land for non-payment of taxes; and in making such sales, and any sales for taxes assessed for said district, such collector, and said district and its officers, shall have all the powers and privileges conferred by the general laws of the Commonwealth upon collectors of taxes, and upon cities and towns and their officers

Assessments to constitute a lien upon the estate assessed.

Collection of assessment.

relating to sales of land for the non-payment of taxes. The collector shall pay over all moneys received by him under this act to the treasurer of said district, in the same manner as moneys received by him from taxes assessed for said district by the assessors of Pittsfield.

Invalid assessments may be re-assessed.

SECTION 12. Every assessment made by said board which is invalid by reason of any error or irregularity in the assessment, and which has not been paid, or which has been recovered back, or which has been enforced by an invalid sale, may be re-assessed by the board of commissioners of sidewalks, common sewers and main drains for the time being, to the just amount which and upon the estate upon which such assessment ought at first to have been assessed; and the assessments thus re-assessed shall be payable, and shall be collected and enforced, in the same manner as other assessments.

Parties aggrieved may apply by petition to superior court.

SECTION 13. Any person aggrieved by an assessment made by said board, may, at any time within three months from the last publication of the list of such assessment as provided in the preceding section, apply by petition to the superior court for the county of Berkshire; and after due notice to the said fire district, a trial shall be had at the bar of said court in the same manner in which other civil causes are there tried by the jury, and if either party requests it, the jury shall view the place in question; and such petition may be filed in term time or vacation; and if filed in vacation, the clerk may issue an order of notice thereon, returnable to the term of the court next to be held after thirty days therefrom: *provided*, that before filing said petition, the petitioner shall give one month's notice in writing to said board of his intention so to apply, and shall therein particularly specify his objections to the assessment, and to which specification he shall be confined in the hearing by the jury. If the jury shall not reduce the amount of the assessment complained of, the respondent shall recover costs against the petitioner, which costs shall be a lien upon the estate assessed, and be collected in the same manner as the assessment; but if the jury shall reduce the amount of the assessment, the petitioner shall recover costs.

Trial by jury.

Proviso.

To file in the registry of deeds a description of the land taken.

SECTION 14. Whenever land is taken by virtue of the provisions of section nine, the said board shall within sixty days after any such taking, file in the registry of deeds of the middle district of the county of Berkshire, a

description of any lands so taken, sufficiently accurate for identification, and statement of the purpose for which it is taken; and the right to use all lands so taken for the purposes mentioned in said statement, shall vest in said fire district and its successors. Damages for land so taken shall be paid by said fire district; and any person aggrieved by the taking of his land under this act, and failing to agree with said board as to the amount of damages, may, upon a petition filed with the county commissioners of the county of Berkshire within one year from the filing of the description thereof in the registry of deeds, have his damages assessed and determined in the manner provided when land is taken for highways; and if either party is not satisfied with the award of damages by the county commissioners, and shall apply for a jury to revise the same, the fire district shall pay the damages awarded by the jury, and shall pay costs if the damages are increased by the jury, and shall recover costs if the damages are decreased; but if the jury shall award the same damages as were awarded by the county commissioners, the party who applied for the jury shall pay costs to the other party.

SECTION 15. Penalties under the provisions of this act, and under any by-laws established in pursuance thereof, or of chapter one hundred and thirty-two of the acts of the year eighteen hundred and sixty-seven, may be recovered by action of tort, brought by direction of said board, in the name of and for the use of said district, or on complaint or indictment, to the use of the Commonwealth: *provided*, that no such action, complaint or indictment shall be maintained, unless brought within thirty days after the right of action accrues, or the offence is committed. No inhabitant of the district shall be disqualified, by reason of his being such inhabitant, to act as judge, magistrate, juror or officer in a suit brought for such penalty.

Penalties may be recovered by action of tort.

Proviso.

SECTION 16. The provisions of all general laws of the Commonwealth, applicable to fire districts and not inconsistent with this act, shall continue to apply to the fire district of the town of Pittsfield as herein limited and bounded. Nothing herein contained shall be construed to interfere with the authority of surveyors of highways, or any authority which can be legally exercised over highways or roads in the proper discharge of their duties. But the town of Pittsfield shall repair any injury done to sidewalks in said district by the officers of said town by reason

Provisions of general laws to apply, etc.

of any raising, lowering, or other act done for the purpose of repairing a highway or townway; and whenever any crosswalk constructed by said board shall be torn up or injured by the officers of the town of Pittsfield in making, repairing, altering, raising or lowering any highway or townway, said town shall relay and repair such crosswalk in like order and condition as the same was in before it was so torn up or injured. The authority of the town of Pittsfield to construct sidewalks and main drains and common sewers within the limits of said district, shall be suspended while this act is in force.

Limits of district defined.

SECTION 17. The territory of the fire district of the town of Pittsfield, shall, from and after this act takes effect, and until changed in accordance with law, be included within the following bounds and measurements, to wit: beginning at a point three hundred and twenty rods easterly from the centre of the soldiers' monument now standing in the park in the village of said town, at the end of a line drawn from said centre at right angles to the easterly line of said town; thence running parallel with said town line, northerly three hundred and twenty rods; thence turning at right angles, and running westerly two miles; thence turning at right angles, and running southerly two miles; thence turning at right angles, and running easterly two miles; thence turning at right angles, and running northerly one mile to the place of beginning: and within one year from the time this act takes effect, the prudential committee of said district shall cause the lines of said district, as fixed by this act, to be surveyed and marked by permanent stone bounds at each corner thereof, and at the intersection therewith of all streets, roads, highways, townways and private ways, if practicable.

Repeal of 1867, 182.

Proviso.

SECTION 18. Chapter one hundred and thirty-two of the acts of the year eighteen hundred and sixty-seven is hereby repealed: *provided*, this repeal and the provisions of this act shall not affect any act done, right established, penalty or forfeiture incurred, suit or prosecution pending, or by-law existing, at the time this act takes effect, which was done, established, incurred, pending or existing under laws then in force or which were in force at the time any such act was done, or in force when any such right was established, or when such penalty or forfeiture was incurred, or in force when said suits or prosecutions were commenced, or in force when said by-laws were adopted,

or when they legally existed, except as is herein otherwise specially provided.

SECTION 19. This act shall take effect upon its passage.

Approved April 6, 1878.

[1862, 5.]

AN ACT to amend an Act establishing the Terms of the Probate Court in the County of Bristol. Chap. 121

Be it enacted, etc., as follows :

SECTION 1. Section one of chapter five of the acts of the year eighteen hundred and sixty-two is hereby amended by inserting after the word "April," in the second line, the word "July," and striking out the words "and the second Friday of July."

Term of court on first Friday of July.

SECTION 2. This act shall take effect upon its passage.

Approved April 6, 1878.

AN ACT to authorize the Construction of a Narrow Gauge Railroad in Sterling and Princeton. Chap. 123

Be it enacted, etc., as follows :

Any railroad corporation which may be organized during the years eighteen hundred and seventy-eight and eighteen hundred and seventy-nine, in accordance with the provisions of chapter three hundred and seventy-two of the acts of the year eighteen hundred and seventy-four, for the purpose of locating, constructing, maintaining and operating a narrow gauge railroad in Sterling and Princeton, may locate and construct its railroad with a gauge of two feet instead of three feet as established by the general law.

Railroad may be constructed with a gauge of two feet.

Approved April 9, 1878.

AN ACT to supply the Town of Brockton with Pure Water.

Chap. 124

Be it enacted, etc., as follows :

SECTION 1. The town of Brockton is authorized to supply itself and its inhabitants with pure water to extinguish fires, generate steam, and for domestic and other uses ; to establish fountains and hydrants ; to regulate their use and relocate or discontinue the same ; and to fix and collect rents for the use of said water.

Water supply for town of Brockton.

SECTION 2. Said town for the purposes aforesaid may take, hold and convey into and through the town of Brockton the waters of Salisbury Brook and the tributaries thereof, the springs, brooks and watershed of the meadows

May take the waters of Salisbury Brook and tributaries.

May take and hold land.

May lay down conduits and pipes.

To file in the registry of deeds a description of the land taken.

Liability for damages.

Assessment of damages.

lying near said Salisbury Brook and its tributaries, in said town of Brockton and in the adjoining town of Stoughton; and may take and hold by purchase or otherwise such land in said towns of Brockton and Stoughton as may enable them to construct one or more reservoirs for the storage of water on that part of said brook at or near the dividing line between said towns, and such other land in the town of Brockton as may enable them to construct proper distributing reservoirs, and convey said water to the same, and from the same to all parts of said town of Brockton, and such other land in either of said towns, not more than five rods wide on said brook and around said storing and distributing reservoirs, as may be necessary to protect the same and secure the purity of the water; may erect on said land proper dams, buildings, fixtures and other structures, and make excavations, and procure and run machinery therefor, with such other means and appliances as may be necessary for complete and effective water works; and for that purpose may construct and lay down conduits, pipes and other works under or over any lands, water-courses or roads, and along any street, highway or other way, in such manner as when completed not to unnecessarily obstruct the same; and for the purpose of constructing, laying down, maintaining and repairing such conduits, pipes and other works, and for all other proper purposes of this act, may dig up, raise and embank any such lands, highways or other ways, in such manner as to cause the least hindrance to travel thereon: *provided*, that within ninety days after the time of taking any lands, water-sources or water-rights as aforesaid, otherwise than by purchase, said town shall file in the registry of deeds for the counties of Plymouth and Norfolk respectively, descriptions thereof sufficiently accurate for identification, with a statement of the purpose for which the same is taken, signed by the selectmen.

SECTION 3. The said town of Brockton shall be liable to pay all damages sustained by any persons in their property by the taking of any lands, water, water-sources or water-rights, or by the construction of any aqueducts, reservoirs or other works, for the purposes aforesaid. If any person or persons sustaining damages as aforesaid cannot agree with the town upon the amount of such damages, they may have them assessed by the county commissioners for the county of Plymouth or of Norfolk by making a

written application therefor within three years after the taking of such land or water-sources, or rights, or other injury done, as aforesaid, under this act, but not thereafter; and if either party be aggrieved by the doings of said commissioners in the estimation of said damages, he or they may have said damages settled by a jury; and said commissioners and jury shall have the same powers, and the proceedings in all respects shall be conducted in the same manner as is provided for by law with respect to damages for land taken for highways.

Parties aggrieved may apply for a jury.

SECTION 4. For the purpose of paying all necessary expenses and liabilities incurred under the provisions of this act, said town shall have authority to issue notes, bonds or scrip from time to time, signed by the treasurer and countersigned by the chairman of the selectmen, to be denominated on the face thereof "Brockton Water Loan," to an amount not exceeding one hundred and twenty thousand dollars, payable at periods not exceeding thirty years from the date thereof, with interest payable semi-annually at a rate not exceeding six per centum per annum; and said town may sell said securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms or conditions as it may deem proper; and said town shall annually raise by taxation an amount sufficient, together with the net income received from rents for the use of said water, to pay the interest on said loans as it accrues, and shall establish, at the time of contracting said debt, a sinking fund, and contribute thereto from year to year an amount raised annually by taxation, sufficient with its accumulations, to extinguish the debt at maturity; and said sinking fund shall remain inviolate, and pledged to the payment of said debt, and shall be used for no other purpose. The board of water commissioners hereinafter named shall be the trustees of said fund, and shall report the condition of the same annually to the town.

Water loan not to exceed \$120,000.

Sinking fund to be established.

Water commissioners to be trustees of sinking fund.

SECTION 5. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the water taken under this act, or uses the same for any purpose without consent of the town, or destroys or injures any dam, conduit, hydrant, machinery or other works or property, held, owned or used by said town under authority of and for the purposes of this act, shall forfeit and pay to the said town three times the amount of damage assessed therefor, to be

Penalty for diverting water or rendering it impure.

recovered in an action of tort; and on conviction of either of the acts aforesaid may be punished also by a fine of not less than twenty nor more than three hundred dollars, or by imprisonment in jail not exceeding one year, or by an infliction of both the above penalties.

Five persons
to be elected to
contract for and
superintend
erection of
works.

Three water
commissioners
to be elected.

SECTION 6. At the meeting hereinafter provided for the acceptance of this act, five persons shall be elected by ballot to contract for and superintend the construction and completion of the water works, who may exercise all rights, powers and privileges for that purpose herein granted, subject to instructions of the town. At said meeting there shall also be elected by ballot, a board of three water commissioners, one to serve until the next annual meeting of the town thereafter, in March or April; one for a term one year longer; and the third for a term two years longer than the first: after which first election one member of said board as the term expires shall be elected at the annual meeting, to serve for three years. Said commissioners shall have charge of the water works when completed, and may exercise all the rights, powers and authority granted to said town by this act relative to such duties, subject to such instructions as the town may impose by this vote; and a majority of said commissioners shall constitute a quorum for the transaction of business relative both to the water works, and as trustees of the sinking fund.

No expenditure
to be made until
act is accepted.

SECTION 7. This act shall take effect from its passage; but no expenditure shall be made or liability incurred under the same until the act is accepted by a vote of two-thirds of the legal voters of said town present and voting thereon, at a legal meeting called for that purpose; and this act shall be void unless so accepted by said town within three years from the date of its passage.

Approved April 9, 1878.

[Accepted Dec. 16, 1879.]

[1881, 37.]

[1870, 63.]

Chap. 125

AN ACT to amend Chapter Sixty-three of the Acts of the Year Eighteen Hundred and Seventy, relating to the Maintenance of Lagoon Bridge between the Towns of Tisbury and Edgartown.

Be it enacted, etc., as follows:

Maintenance
and repair of
bridge.

SECTION 1. The towns of Tisbury and Edgartown shall maintain and repair that portion of the bridge and draw over the canal or creek connecting Holmes' Hole harbor

with Lagoon Pond, so called, lying within the limits of the respective towns.

SECTION 2. Said towns shall be respectively liable under the limitations of the law for damages resulting from defects in the portion of said bridge and draw which by this act they are severally required to maintain and repair. Liability for damages.

SECTION 3. All acts and parts of acts inconsistent with this act are hereby repealed. Repeal.

SECTION 4. This act shall take effect upon its passage.
Approved April 9, 1878.

[1850, 150.]

AN ACT to authorize the Appointment of Trustees for the Massachusetts School for Idiotic and Feeble-Minded Youth. Chap. 126

Be it enacted, etc., as follows :

SECTION 1. The offices of the trustees heretofore appointed under chapter forty-four of the Resolves of the year eighteen hundred and fifty-one, and chapter twenty-six of the Resolves of the year eighteen hundred and sixty-one, relating to the Massachusetts School for Idiotic and Feeble-Minded Youth, shall cease and determine on the appointment of trustees under the provisions of this act. Trustees to be appointed.

SECTION 2. The governor shall with the advice and consent of the council appoint six persons to be trustees, on the part of the state, of the Massachusetts School for Idiotic and Feeble-Minded Youth, who shall hold their offices for three years: *provided*, that the terms of the six first appointed shall be so arranged that the terms of two shall expire in one year, two in two years, and two in three years; and the vacancies so arising, as well as all vacancies occurring otherwise in the office of trustees appointed under this act shall be filled by the governor, with the advice and consent of the council. Appointments to be made by the governor.

SECTION 3. This act shall take effect on the first day of July next. Proviso.
Approved April 9, 1878. To take effect July 1, 1878.

[1873, 375.]

AN ACT fixing the time and place of holding Probate Courts in the County of Suffolk. Chap. 127

Be it enacted, etc., as follows :

SECTION 1. The sessions of the probate court in the county of Suffolk shall be held at Boston every Monday in Sessions of court in Boston.

the year, except the second and fourth Mondays in the month of August.

Repeal of 1878,
876.

SECTION 2. Chapter three hundred and seventy-five of the acts of the year eighteen hundred and seventy-three is hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved April 9, 1878.

[1881, 115.]

Chap. 128 AN ACT to provide additional Terms of the Probate Court at Fitchburg in the County of Worcester.

Be it enacted, etc., as follows :

Terms of court
at Fitchburg.

SECTION 1. Hereafter terms of the probate court shall be held at Fitchburg in the county of Worcester on the fourth Tuesday of every month, except July and August, in each year.

SECTION 2. This act shall take effect upon its passage.

Approved April 9, 1878.

[1877, 153.]

Chap. 137 AN ACT to amend Chapter One Hundred and Fifty-three of the Acts of the Year Eighteen Hundred and Seventy-seven, entitled "An Act to incorporate the Fidelity Assurance Company of Massachusetts."

Be it enacted, etc., as follows :

Capital stock,
\$300,000.

SECTION 1. Section two of chapter one hundred and fifty-three of the acts of the year eighteen hundred and seventy-seven, is hereby amended by striking out in the second line the word "five," and inserting instead thereof the word "three."

Surety on bond
to the State.

SECTION 2. Section three of said act is hereby amended by adding after the word "states," in the fifth line, the words, "to the state of Massachusetts;"

Reserved fund
for payment of
losses to be set
apart.

SECTION 3. Section five of said act is amended so that it shall read as follows, to wit:— After deducting from the earnings of the company (no part of the premiums received on risks not terminated being considered earnings), and from the income of its invested funds such an amount as shall have been required for the costs of management, and for such dividends, not exceeding ten per centum per annum on the capital stock as the directors may determine upon, the residue shall be annually set apart for the purpose of constituting a reserved fund for the payment of losses, until the said reserved fund shall equal one-half the

Reserved fund
to be equal to
one-half of cap-
ital.

amount of the capital stock paid in; and in case the reserved fund shall ever be impaired it shall be made up to the full amount in the manner originally provided, and the said capital stock shall in no case be impaired or diminished until said reserved fund shall have been exhausted: *provided*, that whenever the said reserved fund shall equal one-half the amount of the capital stock paid in, the earnings of the company over and above the aforesaid dividend of ten per centum per annum, and the contribution required to keep the said reserved fund entire, may thereafter be divided among the stockholders pro rata in certificates of such portions of its actual surplus as the company may from time to time determine, which shall be deemed to be an increase of its capital stock to the extent of such new certificates so issued; but no such dividend either in cash or stock certificates shall be made, except from actual surplus funds of the company, such surplus to be computed in the manner herein set forth; and *provided, also*, that in closing up the affairs of said company the amount then standing to the credit of said reserved fund shall be divided among the stockholders in proportion to their respective shares.

Provisions.

SECTION 4. At the end of each and every second year from the date of every probate risk undertaken by said company, one-third part of the premium received therefor may be considered and treated as earnings.

Earnings from probate risks.

SECTION 5. This act shall take effect upon its passage.

Approved April 10, 1878.

[1879, 276]

[1870, 113, 241, 246; 1871, 15; 1872, 172; 1873, 82.]

AN ACT to authorize the Framingham and Lowell Railroad Company to issue Preferred Stock. *Chap. 138*

Be it enacted, etc., as follows:

SECTION 1. The Framingham and Lowell Railroad Company is hereby authorized to issue preferred stock to an amount not exceeding five thousand two hundred and fifty shares, of one hundred dollars each.

Preferred stock, \$525,000.

SECTION 2. Holders of the coupon notes, and other creditors of said company, shall have the right to take said stock at par in payment of their respective claims; and the holders of the common stock of said company may, at any time within four months from the acceptance of this act, surrender the whole or any part of their said stock in

Creditors may take stock at par.

Five shares of

common stock
to equal one of
preferred.

Dividends on
preferred stock.

Subject to ac-
ceptance by a
majority vote.

amounts of not less than five shares, and shall receive in exchange for each and every five shares so surrendered one share of the preferred stock authorized by this act.

SECTION 3. Said preferred stock shall entitle the holder thereof to be paid dividends thereon semi-annually, in preference and priority to any dividends to be made to the holders of the common stock of said company, at such rate as the net earnings and income of said company for the six months preceding the declaring of such dividend, after paying interest on the debt of the company, shall be sufficient to pay; not exceeding, however, the sum of three per centum semi-annually.

SECTION 4. This act shall take effect from and after its acceptance by the company by a majority vote of all the shares present and voting, at a legal meeting to be called for the purpose at any time after the passage of this act.

Approved April 13, 1878.

[1881, 170.]

[1871, 251; 1872, 104.]

Chap. 139 AN ACT to incorporate the Ashburnham Railroad Company, with authority to purchase and operate the Ashburnham Railroad in the Town of Ashburnham.

Be it enacted, etc., as follows:

Corporators.

Name.

Powers and
duties.

May purchase
Ashburnham
Railroad.

SECTION 1. William H. Morse, A. George Bullock, George C. Winchester, John H. Wilkins, George W. Eddy and their associates and successors, are hereby made a corporation by the name of "The Ashburnham Railroad Company," with the same powers and privileges, and subject to the same restrictions, duties and liabilities, as if formed and organized under the general laws relating to railroad corporations.

SECTION 2. Said corporation may purchase, acquire and hold the railroad and all the franchises and property which were mortgaged by the Ashburnham Railroad Company, a railroad corporation organized under chapter two hundred and fifty-one of the acts of the year eighteen hundred and seventy-one, to Melvin O. Adams, Simeon Merritt and George C. Foster, trustees, and sold by said trustees for the purpose of foreclosure; and the corporation hereby created shall be deemed to be lawfully possessed as of its own property, of the railroad, franchises and property aforesaid, upon receiving a conveyance thereof from the purchaser or purchasers of the same; and said corporation

may maintain and operate said railroad, and shall have and possess all the powers, privileges and franchises which have heretofore been granted to said Ashburnham Railroad Company organized under said act of the year eighteen hundred and seventy-one, chapter two hundred and fifty-one.

SECTION 3. The capital stock of the corporation hereby created shall be fixed by the directors, and shall not exceed thirty thousand dollars; and said corporation may issue its stock or its bonds, secured by a mortgage of its road, franchise and property, at par, in payment for the railroad, franchises and property which by this act it is authorized to acquire and purchase; and said corporation shall have the same power to increase its capital stock as if organized under the general laws.

Capital stock
not to exceed
\$30,000.

SECTION 4. This act shall take effect upon its passage.

Approved April 13, 1878.

[1877, 70, 142.]

AN ACT to provide a Further Supply of Water for the City of New Bedford.

Chap. 140

Be it enacted, etc., as follows:

SECTION 1. The city of New Bedford is hereby authorized to take and hold, and convey into the reservoir of the New Bedford water works, in the town of Acushnet, for the use of said city, in the same manner and for the same purposes as the waters of said reservoir are or may be now used by law, the waters of Long Pond in the towns of Lakeville and Freetown or of Little Quittacus Pond in the towns of Lakeville and Rochester; and it is further authorized to take and hold, by purchase or otherwise, such lands as may be necessary for the laying out and maintaining an aqueduct or conduit for conducting said waters to said reservoir; and may take and hold such lands on each side of said aqueduct or conduit as may be deemed necessary or prudent, not exceeding two and a half rods on either side.

May take waters
from Long Pond
and Quittacus
Pond.

May take and
hold lands.

SECTION 2. Said city shall within sixty days from the time of taking any lands aforesaid, file in the registry of deeds for the county or district in which said lands lie, a description thereof, sufficiently accurate for identification, and a statement of the purposes for which said lands are taken; and thereafter the title of all lands so taken shall vest in said city. Any person injured in his property under this act, and failing to agree with said city as to the amount of damages, may have the same assessed and

To file in regi-
stry of deeds a
description of
the land taken.

determined in the same manner as provided in the act of eighteen hundred and sixty-three, chapter one hundred and sixty-three, entitled "An Act to supply the city of New Bedford with pure water."

If Taunton erects dam at Assawampsett Pond, commissioners shall determine amount to be paid by New Bedford.

SECTION 3. If at any time the city of Taunton shall take its water supply or any portion thereof from Assawampsett Pond, and shall erect the dam provided for in chapter two hundred and seventeen of the acts of the year one thousand eight hundred and seventy-five, the supreme judicial court, or any justice thereof, upon application of the city of Taunton, shall appoint a board of three commissioners, no one of whom shall be a citizen of the city of Taunton or of the city of New Bedford; and said commissioners after having been sworn to the faithful and impartial discharge of their duties shall, after notice to both cities and a hearing, determine and decree what proportion if any, of the expense of the construction and maintenance of said dam and of the damages caused by the erection thereof, should be borne by the city of New Bedford, and shall assess the same accordingly, and shall determine the manner in which the same shall be borne. In making their determination said commissioners shall not consider the priority of use of said waters by either of said cities, but shall consider all other circumstances, which in their opinion may affect the proportion in which the expense of said construction, maintenance and damages should be borne. They shall also determine how the costs of said proceedings shall be borne by said cities. The determination and decree of said board of commissioners, or that of a majority of them, shall be made in writing, and be reported to said court, and shall be subject to revision by said court. Said report, being accepted by said court, shall be binding upon both said cities.

Commissioners' report when accepted by court to be binding.

Provisions of 1863, 1868, §§ 12, 13, to apply.

SECTION 4. The provisions of sections twelve and thirteen of chapter one hundred and sixty-three of the acts of the year eighteen hundred and sixty-three shall apply to all lands and water purchased or taken, and to works constructed, under this act.

SECTION 5. This act shall take effect upon its passage.

Approved April 13, 1878.

[T., 1880, 74.]

AN ACT to incorporate the Town of North Adams.

Chap. 143

Be it enacted, etc., as follows :

SECTION 1. All the territory now within the town of Adams in the county of Berkshire, comprised within the following limits, that is to say:—Beginning at the north-west corner of said town of Adams, thence south seventy-seven degrees fifteen minutes east on the line of the town of Clarksburg, sixteen hundred and thirty-three rods to the west line of the town of Florida; thence south twelve degrees forty-five minutes west on said line of Florida, twelve hundred and four rods to the “Old Military Line,” so called; thence north seventy-seven degrees fifteen minutes west near said military line, and parallel with the south line of Clarksburg, sixteen hundred and thirty-three rods to the east line of the town of Williamstown; thence north twelve degrees forty-five minutes east on the line of the town of Williamstown, twelve hundred and four rods to the place of beginning,—is hereby incorporated into a town by the name of North Adams; and said town of North Adams is hereby invested with all the powers, privileges, rights and immunities, and is subject to all the duties and requisitions to which other towns are entitled and subjected by the constitution and laws of this Commonwealth.

Town of North
Adams incorpo-
rated.
Territorial
limits.

SECTION 2. The inhabitants of said town of North Adams shall pay all taxes which have been legally assessed upon them by said town of Adams; and all taxes heretofore assessed as aforesaid upon them, and upon property within the limits of North Adams, and not collected, shall be collected and paid over by the collector of taxes of said town of North Adams to the treasurer of the town of North Adams, in the manner provided by law. The assessors of North Adams shall have power to abate any of said unpaid taxes for any of the causes for which the assessors of towns may now abate taxes. Until the next state valuation the proportion of state and county taxes to be assessed upon the towns of Adams and North Adams shall be ascertained and determined by the valuation of said town of Adams in the year one thousand eight hundred and seventy-five. The assessors of North Adams shall make return of such valuation and of the proportion thereof in each of the towns of Adams and North Adams, to the secretary of the Commonwealth and to the county commissioners for the county of Berkshire.

Assessment
and payment
of taxes.

Liability for
support of pau-
pers.

SECTION 3. The towns of Adams and North Adams shall be respectively liable for the support of all persons who do now, or shall hereafter, stand in need of relief as paupers, whose settlements were gained, whether by original acquisition or derivation, within their respective limits. Said town of North Adams shall pay annually to the town of Adams two-thirds of the cost paid by the last-named town for the support or relief of paupers whose settlements were acquired in said town of Adams as heretofore constituted, in consequence of military services in the war of the rebellion: *provided*, that the person who rendered such military service was not at the time of his enlistment an inhabitant of said town of Adams as heretofore constituted.

Division of cor-
porate property
and debts.

SECTION 4. The corporate property belonging to said town of Adams at the time this act takes effect, including unpaid taxes and the public debts of said town existing at said date, shall be divided between the towns of Adams and North Adams according to the valuation of the property within their respective limits as assessed May first, one thousand eight hundred and seventy-seven; and the towns of Adams and North Adams shall receive the same proportionate part of whatever amount may hereafter be refunded to the town of Adams from the state or the United States to reimburse said town of Adams for bounties to soldiers, or state aid paid to soldiers, or their families, after deducting all reasonable expenses: *provided*, that all debts and liabilities which the town of Adams has incurred for and on account of the North Adams fire district shall be assumed by the town of North Adams; and all debts and liabilities which the town of Adams has incurred for and on account of the South Adams fire district shall be assumed by the town of Adams as hereby constituted; and *provided, further*, that the town of North Adams may at its option pay its proportion of the indebtedness of the town of Adams, as heretofore constituted, directly to the owners or holders of the said town's bonds or scrip. The town of North Adams shall contribute towards the payment of any amount recovered against the town of Adams in any suit now pending upon the basis of division of public property and debts as herein provided.

Proviso.

If towns fail to
agree, court to
appoint commis-
sioners.

SECTION 5. In case the towns of Adams and North Adams shall not agree in respect to a division of property,

unpaid taxes, debts, state or county taxes, or the support of paupers, the superior court for the county of Berkshire shall, upon the petition of either town, appoint three competent and disinterested persons to hear the parties and award thereon; and their award, or the award of any two of them, being accepted by said court, shall be final. In making said award said commissioners shall assign the real estate belonging to said town of Adams at the time this act takes effect, to the town in which said estate is situated, so far as such provision shall be practicable. The expense of surveying and establishing the line between Adams and North Adams shall be borne equally by said towns.

SECTION 6. The said town of North Adams, until otherwise provided by law, shall continue to be a part of the eleventh congressional district, of the eighth councilor district, of the north Berkshire senatorial district, of the second Berkshire representative district, and of the judicial district of the district court of northern Berkshire; and the voters of said town of North Adams shall vote for state and county officers, for members of the council, for representatives to congress, and for senators and representatives to the general court, in said town of North Adams, at meetings to be legally called for that purpose; and the clerks of the towns of Adams and North Adams shall make returns, and shall meet at the office of the town clerk in the town of North Adams for the purpose of ascertaining the result of the election of representatives to the general court in said second Berkshire district, and making certificates of the same, according to the provisions of chapter eight of the General Statutes and the acts in amendment thereof.

Election of state
and national
officers.

SECTION 7. Any justice of the peace within and for the county of Berkshire, as soon as this act shall take effect, may issue his warrant, directed to any inhabitant of said town of North Adams, requiring him to notify and warn the inhabitants of such town, qualified to vote in town affairs, to meet at the time and place appointed therein, for the purpose of choosing all such town officers as towns are by law authorized and required to choose at their annual meetings, and for any of the purposes for which annual town meetings may now be held; and said warrant shall be served by publishing a copy thereof in some newspaper published in the town of North Adams

First meeting
for election of
officers.

four days at least prior to said meeting, and by posting up copies thereof, attested by the person to whom the same is directed, in three public places in said town of North Adams, seven days at least before the time of meeting. The selectmen of the town of Adams shall before said meeting prepare a list of voters in said town of North Adams, qualified to vote in town affairs, and deliver the same to the person presiding at said meeting before the choice of a moderator thereof. Such justice, or in his absence such inhabitant, required to notify the meetings, shall preside until the choice of a moderator in said town.

Records of Adams, as heretofore constituted, to be kept in North Adams.

SECTION 8. The records, files and papers of said town of Adams as heretofore constituted, severally required to be kept in the offices of the town clerk, selectmen, assessors, or treasurer, shall hereafter be deposited and kept in the respective offices of town clerk, selectmen, treasurer, and assessors of the town of North Adams, and shall at all proper times be open to the inspection of the officers of the town of Adams; and certified copies of any such records, files and papers in the office of the town clerk of North Adams, under the hand of the town clerk of the town of North Adams shall have the same force and effect, and be entitled to the same credit, as though certified and under the hand of the clerk of the town of Adams.

Money in treasury to be applied to the purposes for which raised.

SECTION 9. All money now in the treasury of said town of Adams, or which may, after the passage of this act, be received into the treasury of the town of Adams or North Adams, respectively, from taxes assessed, or directed to be assessed, shall be applied by each town to the purposes for which it was raised and assessed.

SECTION 10. This act shall take effect upon its passage.

Approved April 16, 1878.

Chap. 144

AN ACT to enable the County Commissioners of the County of Barnstable to borrow Money for the purpose of constructing a Jail and House of Correction, and for other purposes.

Be it enacted, etc., as follows:

May borrow money for construction of jail and house of correction.

SECTION 1. The county commissioners of the county of Barnstable are hereby authorized and empowered to borrow, upon the credit of said county, a sum not exceeding twenty thousand dollars, for the purpose of constructing a county jail and house of correction in said county, and making necessary alterations and repairs in the court house in the town of Barnstable.

SECTION 2. This act shall take effect upon its passage.

Approved April 16, 1878.

[1877, 100.]

AN ACT concerning Sewers and Drains in the City of Newton.

Chap. 147

Be it enacted, etc., as follows:

SECTION 1. The board of aldermen of the city of Newton may, for the purposes of sewerage and drainage, take and use any streams or water-courses within the limits of said city, or take and divert the waters thereof, and devote the same to the purposes aforesaid; and may take all necessary land to alter, widen, deepen or straighten the channel of said water-courses, and remove obstructions therefrom, and may use and appropriate them, and cover, pave and enclose them in retaining walls.

May take land and streams for purposes of drainage.

SECTION 2. In taking said water-courses or lands for the purposes aforesaid, the said board of aldermen shall proceed in the manner required by law in cases where land is taken for highways; and persons suffering damages in their property shall have the same rights and remedies for the ascertainment and recovery of such damages as are provided by law for the ascertainment and recovery of damages for lands taken for townways in said Newton.

Recovery of damages.

SECTION 3. This act shall take effect upon its passage.

Approved April 17, 1878.

AN ACT to incorporate the Board of Aid to Land-Ownership.

Chap. 148

Be it enacted, etc., as follows:

SECTION 1. Franklin W. Smith, Leverett Saltonstall, George L. Ward, Edward Whitney and Robert Treat Paine, Jun., their associates and successors, are hereby made a corporation under the name of "The Board of Aid to Land-Ownership," for the purpose of aiding emigrants and others to settle in colonies or otherwise, and to acquire and improve land in the western and southern states; and for this purpose they shall have all the powers set forth in chapter sixty-eight of the General Statutes and in other general laws relative to such corporations.

Corporators.

Name and purpose.

SECTION 2. The capital stock of said corporation shall not exceed two hundred and fifty thousand dollars, and the corporation shall not commence the transaction of business until fifty thousand dollars have been paid in in cash.

Capital stock not to exceed \$250,000.

SECTION 3. This corporation may hold real estate in any state or territory in the United States, subject to

May hold real estate in other states.

the laws of such state or territory, and the amount held in Massachusetts shall not exceed fifty thousand dollars in value.

Taxation.

SECTION 4. For the purposes of taxation this corporation shall be subject to the provisions of the third, fourth and fifth sections of chapter two hundred and eighty-three of the acts of the year eighteen hundred and sixty-five.

Limited to twenty years.

SECTION 5. The charter of this corporation shall expire at the end of twenty years from the passage of this act.

SECTION 6. This act shall take effect upon its passage.

Approved April 17, 1878.

Chap. 149 AN ACT to incorporate the States Union Telegraph and Telephone Company.

Be it enacted, etc., as follows:

Corporators.

SECTION 1. Erastus P. Carpenter, Chester Snow, Thomas Wallace, Joseph K. Baker, Joseph W. Stover, their associates and successors, are hereby incorporated as the States Union Telegraph and Telephone Company, for the purpose of constructing, maintaining and operating a line or lines of telegraph in any part of the United States and Canada; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, except as herein otherwise expressly provided, set forth in all general laws which now are or hereafter may be in force relating to such corporations.

Name and purpose.

Powers and duties.

Capital stock, \$1,000,000.

SECTION 2. The capital stock of said corporation shall be one million dollars, all of which shall be paid in in cash before said corporation shall commence business; and said capital may be increased from time to time to an amount not exceeding the sum of ten million dollars.

Twenty-five trustees to be elected.

SECTION 3. The stockholders of said company shall at a meeting duly called for that purpose elect twenty-five trustees who shall be stockholders, to hold their office, five for five years, five for four years, five for three years, five for two years, and five for one year; and thereafter at each annual meeting five trustees shall be chosen for the term of five years. Said trustees shall annually elect a president, clerk, treasurer and five directors of said company, in whom shall be vested the powers and duties usually exercised by such officers.

Franchise not to be leased or sold.

SECTION 4. The franchise, charter or any portion of the telegraph line of said corporation shall not be leased,

sold or offered for sale or leased to any existing company, or to any person or association of persons, without the consent of the legislature; and any contract made contrary to the provisions of this act shall be void.

SECTION 5. This act shall take effect upon its passage.

Approved April 17, 1878.

[1881, 86.]

[D. and C., 1867, 65; 1868, 340; 1870, 47; 1874, 65 O. C., 1872, 143, 295; 1873, 9, 146, 187, 324; 1874, 55, 63, 183, 213; 1876, 40, 135; 1877, 9.]

AN ACT to authorize the Old Colony Railroad Company to purchase the Railroad and Franchises of the Duxbury and Cohasset Railroad Company.

Chap. 150

Be it enacted, etc., as follows:

SECTION 1. The Old Colony Railroad Company is authorized to purchase the rights, franchises and property of the Duxbury and Cohasset Railroad Company; and the said Duxbury and Cohasset Railroad Company is authorized to convey and assign to the said Old Colony Railroad Company its railroad franchises and property and all the rights, easements, privileges and powers heretofore granted to it; and the said Old Colony Railroad Company shall, upon such conveyance being made to it, have and enjoy all the rights, powers, privileges, easements, franchises and property of the Duxbury and Cohasset Railroad Company, and be subject to all the duties, liabilities, obligations and restrictions to which said last named corporation may be subject: *provided, however*, that such purchase or sale shall not be valid unless agreed to by the directors of the first named corporation, and approved by two-thirds of the votes at a meeting of the stockholders of said last named corporation called for that purpose, and by the board of railroad commissioners.

May purchase rights and franchises of Duxbury and Cohasset Railroad.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved April 17, 1878.

[1879, 140; 1880, 238, 245; 1881, 14.]

AN ACT in relation to the Terms of the Supreme Judicial Court for the Counties of Nantucket and Dukes County.

Chap. 151

Be it enacted, etc., as follows:

SECTION 1. All matters arising or pending in the counties of Nantucket or Dukes county, cognizable by the supreme judicial court, may be made returnable to, and entered, heard, tried and determined and have day in, any

Matters before supreme judicial court in Nantucket or Dukes may be heard before court in Bristol county.

of the terms of said court held in the county of Bristol, in the same manner as like cases arising or pending in said county of Bristol.

Indictment for a capital crime to be transmitted to clerk of supreme judicial court in Bristol county.

SECTION 2. As soon as may be after the finding of an indictment for a capital crime in the county of Nantucket or in the county of Dukes county, the party charged, when in custody, shall be served with a copy thereof by the sheriff or his deputy, with an order of the court notifying him that the indictment will be entered forthwith upon the docket of the supreme judicial court for the county of Bristol. The clerk of the superior court for the county in which such an indictment is found, shall forthwith, if the person accused is in custody, or if not, then immediately after his arrest, transmit the indictment to the clerk of the supreme judicial court in the county of Bristol; and it shall be entered at once in that court, whether it shall be transmitted during a term of the court or in vacation; and thereafter the same proceedings had therein as though the indictment had been originally found in the county of Bristol. The court may from time to time during the pendency of the indictment make such orders as may be proper regarding the place of confinement of the person accused: *provided*, that the expenses of his keeping shall in all cases be paid by the county in which the indictment is found.

Place of confinement of person accused.

Jurors to be summoned from Nantucket and Dukes county.

SECTION 3. At all terms of the supreme judicial court in the county of Bristol at which jurors are summoned to attend, there shall be summoned one juror, at least, from the county of Nantucket and four jurors at least from the county of Dukes county, the *venires* for which shall be issued by the clerk of the supreme judicial court in the county of Bristol. The cost of the travel and attendance of such jurors shall be paid by the counties from which they are summoned respectively. And for the trial of any indictment for a capital crime, which has been found and returned in the county of Nantucket or in the county of Dukes county, there shall be summoned from said counties respectively, such number of jurors, as any justice of the supreme judicial court, in term time or in vacation, may direct, the cost of the travel and attendance of which shall be paid as above provided.

Cost of travel and attendance.

SECTION 4. This act shall take effect upon its passage.

Approved April 17, 1878.

[1874, 293.]

AN ACT giving the Second District Court of Bristol, and the Third District Court of Bristol, Concurrent Jurisdiction in the Towns of Westport and Freetown.

Chap. 152

Be it enacted, etc., as follows :

The Second District Court of Bristol and the Third District Court of Bristol shall hereafter have concurrent jurisdiction in the towns of Westport and Freetown in all matters civil and criminal, to the same extent that either of said courts now have in either of said towns.

Second and third district courts to have concurrent jurisdiction in Westport and Freetown.

Approved April 17, 1878.

AN ACT to incorporate the "Fusilier Veteran Association" of the City of Boston.

Chap. 161

Be it enacted, etc., as follows :

SECTION 1. John F. Pray, Albert E. Proctor, Alfred N. Proctor, Daniel Cooley, Andrew Gorham, William R. Wright, George Baird, Sidney A. Stetson, John McDonough, Robert H. Cloustan, James Quinn, Charles Jarvis, George T. Sears, Henry C. Miller and George G. Nichols, being past members of the military organization now existing, chartered May eleven, seventeen hundred and eighty-seven, and known as the "Independent Boston Fusiliers," and such other persons being past members of said organization as may hereafter become associated with them, are hereby constituted a body corporate by the name of the "Fusilier Veteran Association," having the privileges and subject to the duties and liabilities set forth in all general laws which now are or hereafter may be in force relating to such corporations.

Corporators.

Name.
Duties and liabilities.

SECTION 2. The object of this corporation shall be to perpetuate their connection with the corps, to institute a bond of fellowship and union between former and present companions in arms, to afford pecuniary relief to reduced and indigent members, their widows and children, and to preserve more fully the traditions and customs of the old corps.

Purpose.

SECTION 3. The said corporation shall have power to adopt a constitution and by-laws, containing rules and regulations for the admission of members, and their government; the election of officers, and prescribing their duties; the suspending and expelling of members; and for the safe keeping of its property and funds; and from time to time to alter or repeal such constitution, by-laws, rules and regulations.

May adopt constitution and by-laws.

Real and personal estate.

SECTION 4. The said corporation shall have power to hold property, real and personal, to an amount not exceeding twenty-five thousand dollars.

SECTION 5. This act shall take effect upon its passage.

Approved April 19, 1878.

Chap. 162 AN ACT to authorize the City of Salem to construct a Main Drain or Sewer in the North River.

[Rejected July 16, 1878.]

Chap. 163 AN ACT for the Protection of the Shores and Beaches in the towns of Hull and Cohasset.

Be it enacted, etc., as follows :

Sand and gravel not to be taken from shores and beaches.

SECTION 1. Any person or corporation who shall take or remove from any of the shores or beaches in the town of Hull, or from any of the shores or beaches lying between the Black Rock house in the town of Cohasset and the new Pacific house in said Hull, any earth, sand, gravel, stones or other material of like nature now or hereafter composing such shores or beaches, without the consent in writing of the board of harbor commissioners, shall for each offence forfeit and pay to the use of the Commonwealth a sum not less than twenty-five dollars and not exceeding two hundred dollars, or be punished by imprisonment in jail not exceeding two months.

Penalty.

Repeal.

SECTION 2. All acts or parts of acts inconsistent herewith are hereby repealed.

Approved April 19, 1878.

Chap. 164 AN ACT relating to the Expense of rebuilding Thurlow's Bridge in Newbury.

Be it enacted, etc., as follows :

Commissioners may indemnify Newbury for rebuilding bridge.

SECTION 1. The county commissioners of the county of Essex are hereby authorized to allow from the treasury of said county to the town of Newbury, to indemnify it for the expense of rebuilding the bridge within the limits of said town over Parker River called Thurlow's Bridge, the sum of seven hundred dollars: *provided*, that upon view and hearing they are satisfied that said allowance is just and reasonable.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved April 20, 1878.



AN ACT to amend Chapter Three Hundred and Eighty-four of the Acts of the Year Eighteen Hundred and Sixty-nine concerning the Cultivation of Fishes. *Chap. 172*

Be it enacted, etc., as follows :

SECTION 1. Whoever uses any sweep seine in the waters of the Connecticut, Westfield, Deerfield, Miller's, Merrimack, Nashua or Housatonic rivers, or their tributaries, having a mesh which stretches less than five inches, shall forfeit for the first offence twenty-five dollars, and for every subsequent offence fifty dollars; and in each case shall also forfeit the apparatus thus unlawfully used, and the fish captured.

Mesh of sweep seine to be not less than five inches.

SECTION 2. Section twenty-one of chapter three hundred and eighty-four of the acts of the year eighteen hundred and sixty-nine are hereby repealed.

Repeal of 1869, 384, § 21.

SECTION 3. This act shall take effect on the first day of December next.

Approved April 23, 1878.

[1875, 176.]

AN ACT relating to the Disposition of certain Funds in the Treasury of the City of Boston. *Chap. 176*

Be it enacted, etc., as follows :

SECTION 1. The city of Boston is authorized to pay to the persons authorized to collect taxes, betterments, rates and assessments in said city, prior to the first day of September in the year eighteen hundred and seventy-five, such amount of the fees, charges and commissions thereon allowed by law as had accrued or were earned but were unpaid prior to said first day of September, and have since actually been paid into the treasury of said city between said date and the date of the passage of this act.

May pay fees and charges for collection of certain taxes, etc.

SECTION 2. So much of chapter one hundred seventy-six of the acts of the year eighteen hundred seventy-five as is inconsistent herewith is hereby repealed.

Repeal. 1875, 176.

SECTION 3. This act shall take effect upon its passage.

Approved April 23, 1878.

[1840, 35 ; 1847, 278 ; 1873, 263.]

AN ACT in amendment of an Act to establish Harbor Lines on Charles River. *Chap. 177*

Be it enacted, etc., as follows :

SECTION 1. Chapter two hundred and sixty-three of the acts of the year eighteen hundred and seventy-three is

Harbor lines established.



amended, and the line on the northerly side of Charles River is hereby established to begin at a point on the southerly side of West Boston Bridge where the present harbor line intersects said side of said bridge and runs south-westerly in a straight line to a point on the former northern shore of said river, said point being distant fourteen hundred and sixty-five feet easterly from a point on the easterly side of Brookline Bridge which is one hundred and ten feet southerly from the present solid abutment of said bridge on the northerly side of said river, and said point on the former northern shore being distant seven hundred feet northerly from the present harbor line on the southerly side of said river measuring at right angles therefrom, and thence running westerly to the point on the easterly side of said bridge distant one hundred and ten feet southerly from said abutment.

Repeal.

The third section of said chapter two hundred and sixty-three is hereby repealed.

Flats may be filled.

SECTION 2. The lands and flats lying northerly of the line hereby established and between the said point on the former northern shore and the Grand Junction Railroad, the same having been marsh above high water mark and heretofore excavated by the owners thereof, may at any time hereafter be filled without compensation being made for the displacement of tide water.

SECTION 3. This act shall take effect upon its passage.

Approved April 23, 1878.

Chap. 178

AN ACT to confirm certain Acts of the Town of Tyringham.

Be it enacted, etc., as follows:

Acts done at annual meeting confirmed.

SECTION 1. All acts done by the town of Tyringham at its annual meeting held the first day of April in the year eighteen hundred and seventy-eight, shall have the same force and effect as if the warrant calling said meeting had been properly served and returned.

SECTION 2. This act shall take effect upon its passage.

Approved April 24, 1878.

[1876, 180.]

Chap. 191

AN ACT in relation to the Management of the Hoosac Tunnel and the Troy and Greenfield Railroad.

Be it enacted, etc., as follows:

Judgment against manager to be paid out of

SECTION 1. Whenever judgment is recovered in an action for damages against the manager of the Troy and

Greenfield Railroad, under or by virtue of the provisions of chapter seventy-seven of the acts of the year eighteen hundred and seventy-five, no execution therefor shall be issued against the person or property of the said manager, but said judgment shall be paid out of the earnings of the road, in the hands of the treasurer of said Troy and Greenfield Railroad, appointed under the provisions of said act; and the manager shall be entitled to retain from the earnings of said road such sums as will be sufficient to pay and satisfy such judgment.

the earnings of
the road.

SECTION 2. Any railroad corporation entering upon and using the Troy and Greenfield Railroad, with its own motive power, under the provisions of chapter seventy-seven of the acts of the year eighteen hundred and seventy-five, shall be liable for all damages recoverable by law, sustained by any person or persons on account of the negligence of such corporation, to the same extent as if said railroad was the property of such corporation; and such corporation shall be liable to the Commonwealth for all injury to said railroad caused by reason of any negligence of such corporation in its use of said railroad, to be recovered in an action of tort.

Liability for
damages of oth-
er roads using
the Troy and
Greenfield
Railroad.

SECTION 3. This act shall take effect upon its passage.

Approved April 26, 1878.

[1876, 176.]

AN ACT relative to the Rebuilding and Improvement of Stables in the City of Boston. *Chap. 192*

Be it enacted, etc., as follows:

SECTION 1. Any stable now or hereafter legally existing in the city of Boston may, with the consent of the mayor and aldermen of said city, be rebuilt, enlarged and improved, in accordance with the provisions of chapter two hundred and eighty of the acts of the year eighteen hundred and seventy-one and the several acts in amendment thereof regulating the construction of buildings in said city.

Stables in the
city of Boston.

SECTION 2. This act shall take effect upon its passage.

Approved April 26, 1878.

[1881, 117.]

AN ACT to establish a Fire District in the Town of Lee, and for the Dissolution of the existing Fire District. *Chap. 193*

[Rejected May 17, 1878]

Chap. 194 AN ACT for the Protection of the Dike across East Harbor Creek in Truro.*Be it enacted, etc., as follows :*Penalty for
injuring dike.

SECTION 1. Any unauthorized person who shall drive over or upon the dike across East Harbor Creek in the town of Truro, any horses, cattle or other animals, or with any carts or carriages, or shall in any manner injure said dike, shall for each offence forfeit and pay to the Commonwealth a sum not exceeding two hundred dollars nor less than twenty-five dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved April 26, 1878.***Chap. 196** AN ACT to authorize the Land Commissioners to convey certain Lands in the City of Boston.*Be it enacted, etc., as follows :*May convey
lands in Boston.

SECTION 1. The land commissioners are hereby authorized to release the interest of the Commonwealth in the passage-way running from Huntington Avenue to Dartmouth Street in the city of Boston, to the owner or owners of the abutting lands, on such terms and conditions as the governor and council may approve.

SECTION 2. This act shall take effect upon its passage.

*Approved April 26, 1878.***Chap. 197** AN ACT to abate a Nuisance in the City of Boston, and for the Preservation of the Public Health in said City.*Be it enacted, etc., as follows :*City may order
flats of Prison
Point Bay to be
filled.

SECTION 1. The city council of the city of Boston may order the owners of the flats and basin and the creek connected therewith, of Prison Point Bay, so called, situated in that part of Boston called Charlestown and lying north of the Fitchburg Railroad and the State prison grounds, west of Canal Street, south of Cambridge Street and north and east of the boundary line between Boston and Somerville, to fill up their said flats, basin and creek with good earth or other suitable material, to a grade not less than ten feet above mean low water, in order to secure the abatement of the existing nuisance therein, and for the preservation of the public health of said city.

Orders to be in
writing, and
served upon
owners.

SECTION 2. Such orders shall be made in writing and served upon such owners or occupants in the manner prescribed in section nine of chapter twenty-six of the

General Statutes, for the service of orders of boards of health.

SECTION 3. If any owner of the territory, or of any interest in any part thereof, described in the first section of this act, fails to begin to comply with any such order within three months after service thereof upon him, or fails after such beginning to comply diligently with such order, or at the expiration of one year after the service thereof has failed to comply fully with such order, the city of Boston may fill up the said territory, or any part thereof, with good earth or other suitable material, to a grade ten feet above mean low water; and all expenses incurred thereby shall constitute a lien upon the several parcels of said territory and the land made by said filling and all buildings thereon, which may be assessed by the board of aldermen of said city of Boston, and with like charges for cost and interest be enforced and collected by the city collector of said city; and said collector may purchase such land and buildings in behalf of said city, as provided by law for the collection of taxes upon real estate, and in case of land sold for taxes.

If owner fails to comply with order, the city may fill up the territory.

Expenses of filling to be a lien upon the land and buildings.

SECTION 4. If the owner or owners of any land so assessed for such expenses desire to have the amount of said assessment apportioned, he or they shall give notice thereof in writing to the board of aldermen of said city at any time before a demand is made upon him or them for the payment thereof, and said board shall thereupon apportion said amount into three equal parts, which apportionment shall be certified to the assessors of said city, and the said assessors shall add one of said equal parts, with six per cent. interest thereon, to the annual tax of said land each year, for the three years next ensuing.

Apportionment of expenses.

SECTION 5. If the owner or owners of any parcel of land, the grade of which shall be raised under the third section of this act, be dissatisfied with the assessment of the expenses of raising the grade of his or their land, he or they may, within twelve months after receiving notice of such assessment, apply for a jury by a petition to the superior court for the county of Suffolk, and have the expenses assessed in the same manner as betterments for the laying out of streets and highways in the county of Suffolk may be assessed.

Parties dissatisfied with assessment may apply for a jury.

SECTION 6. If the jury shall not reduce the amount of the assessment complained of, the respondent shall recover

Costs and assessment to be liens upon estate.

costs against the petitioner, which costs shall be a lien upon the estate and be collected in the same manner as the assessment, but if the jury shall reduce the amount of the assessment the petitioner shall recover costs, and all assessments shall be a lien on the estate for one year after the final judgment in any suit or proceeding where the amount or validity of the same is in question, and be collected in the same manner as original assessments.

May construct
sewers.

SECTION 7. Said city may construct and maintain such sewers in the territory mentioned in section one of this act as it shall deem the public health and convenience require, and shall make suitable provision for the carrying off of all the surface water naturally flowing into the territory authorized to be filled by this act, and also for all water flowing into the same through all creeks or other natural water courses.

May lay railway
tracks through
streets.

SECTION 8. The said city of Boston may lay, or permit to be laid, railway tracks through or across its streets, and maintain or permit them to be maintained, so long as necessary for transporting earth and other material to fill up the territory as herein provided.

Filling and
grading.

SECTION 9. All filling and grading done under this act shall be done within three years from the passage thereof.

SECTION 10. This act shall take effect upon its passage.

Approved April 26, 1878.

Chap. 202

AN ACT to preserve the Eel Fisheries in Ipswich River and its Tributaries in the Town of Ipswich.

Be it enacted, etc., as follows:

Eels not to be
taken other than
by spear, or
hook and line.

SECTION 1. Whoever takes, catches or destroys any eels in Ipswich River or its tributaries, in the town of Ipswich in the county of Essex, in any other manner than by spear, or hook and line, shall forfeit for every eel so taken, caught or destroyed, not less than one dollar nor more than five dollars; one-half of said fine to be paid to the complainant.

Fines and pen-
alties.

SECTION 2. All fines or penalties for violating this act, with costs, may be recovered by complaint or action of tort in any court of competent jurisdiction.

SECTION 3. This act shall take effect upon its passage.

Approved April 29, 1878.

[V. & M., 1844, 134; 1845, 97; 1846, 164, 262; 1848, 122, 268; 1849, 18, 152; 1850, 23; 1851, 34, 63, 277, 310, 314, 326; 1852, 202; 1853, 1, 134, 185, 336, 367; 1856, 229; 1862, 156; 1863, 214; 1867, 297; 1868, 189; 1869, 68, 127, 174, 238; 1870, 252, 271; 1871, 90, 251; 1872, 60; 1874, 401; 1876, 150. F., 1876, 128.]

AN ACT to authorize the Vermont and Massachusetts Railroad Company to sell that Part of its Railroad known as the "Brattleboro Branch."

Chap. 210

Be it enacted, etc., as follows :

SECTION 1. The Vermont and Massachusetts Railroad Company is hereby authorized to sell and convey to any other railroad company whose road connects with its road, that portion of its road and real estate which lies between "Millers Falls" in the town of Erving in this Commonwealth and Brattleboro in the State of Vermont, and which is known as the "Brattleboro Branch;" with the franchise and corporate rights connected therewith; and the Fitchburg Railroad Company is authorized to join in said conveyance.

Vermont and
Massachusetts
Railroad may
sell Brattleboro
Branch.

SECTION 2. Any other railroad, whose road connects with the road of the Vermont and Massachusetts Railroad Company, may purchase and hold the road, real estate, franchise, and corporate rights herein authorized to be sold: *provided*, that the purchasers of said "Brattleboro Branch" shall afford facilities and accommodations to the people on the line thereof at the several stations, at least equal to those at present enjoyed by them, and shall run at least two passengers trains daily each way between Brattleboro and Millers Falls to connect with trains on the Vermont and Massachusetts Railroad.

Any connecting
railroad may
purchase the
Branch.

Proviso.

SECTION 3. This act shall take effect upon its passage.

Approved May 1, 1878.

[1879, 189; 1880, 214.]

AN ACT to discontinue a Common Landing Place in the City of Lynn.

Chap. 211

Be it enacted, etc., as follows :

SECTION 1. A certain common landing place situate between Broad Street and the harbor, in the city of Lynn, is hereby discontinued, and said city is hereby authorized to use, control, lease and convey the same for its own use, subject to the provisions of chapter four hundred and thirty-two of the acts of the year eighteen hundred and sixty-nine: *provided, however*, that nothing herein shall affect any suit now pending against said city, and that the city of Lynn and its assigns shall remain bound to the

Landing place
in Lynn discon-
tinued.

Proviso.

same extent that it is now bound by the decree of the supreme judicial court holden within and for the county of Essex, made in the case of Stephen N. Breed and others, petitioners against Henry Breed and others, establishing the lines and boundaries of flats in Lynn harbor, according to the report of the commissioners in said case and plan accompanying said report and recorded in the registry of deeds of said county.

SECTION 2. This act shall take effect upon its passage.

Approved May 1, 1878.

[1878, 150.]

Chap. 212 AN ACT to confirm the Location of the Troy and Greenfield Railroad in the County of Franklin.

Be it enacted, etc., as follows :

Location of road
in Franklin
County con-
firmed.

SECTION 1. The location of the Troy and Greenfield Railroad in the county of Franklin, filed by the manager of that railroad with the county commissioners of that county, with plans of land taken for said railroad, on the seventeenth day of April in the year eighteen hundred and seventy-seven, is hereby ratified and confirmed, and declared to be a valid location and taking of the lands shown on said plans to all intents and purposes as if the laws of the Commonwealth had been strictly complied with in the taking of land and the location of said railroad; and in establishing the limits of land taken for said location, reference may be had to establish monuments and records of deeds, conveying lands to the Commonwealth, for verification of said plans.

Highways and
town ways may
be laid out
across railroad.

SECTION 2. The county commissioners of Franklin County and the selectmen of the several towns thereof through which said railroad is located may, at any time within two years from the passage of this act, lay out and establish highways and town ways according to law, crossing said railroad and on the lands thereof in the manner and location in which the same are now shown upon the said plans, and also with the consent of the governor and council, such other highways and town ways upon said lands as are now in public use: *provided*, that when such highways or town ways are substituted for other highways or town ways taken for or on account of said location or railroad, they shall cause the last mentioned to be discontinued, and that all unsettled claims for damages arising

Proviso.

from the discontinuance of such highways or town ways shall be assessed upon or paid for by said county or towns.

SECTION 3. The time within which persons may exercise the rights provided by law to apply to the county commissioners to estimate all damages occasioned by the said laying out, making and locating of said railroad, and by taking of any land or materials therefor, and to apply for a jury if dissatisfied with the estimate of such commissioners, is hereby extended to the expiration of two years from the passage of this act.

Time for location, etc., extended.

SECTION 4. This act shall take effect upon its passage.

Approved May 1, 1878.

AN ACT to change the Name of the First Baptist Society of Brighton and confirm the Doings thereof.

Chap. 213

Be it enacted, etc., as follows:

SECTION 1. The name of the First Baptist Society of Brighton is changed to the Brighton Avenue Baptist Society in Boston, and the organization of said society and all acts done thereunder which religious societies may lawfully do, are hereby confirmed.

Name changed to Brighton Avenue Baptist Society in Boston.

SECTION 2. This act shall take effect upon its passage.

Approved May 1, 1878.

AN ACT permitting the Establishment of a Fire District in Lenox.

Chap. 219

Be it enacted, etc., as follows:

SECTION 1. A fire district may be established in the town of Lenox, to include the village of Lenox and adjacent territory, sufficient to include at least six hundred inhabitants, with all the powers and liabilities of fire districts organized under chapter twenty-four of the General Statutes.

Fire district may be established in town of Lenox.

SECTION 2. Before the district is constituted and organized, a petition shall be presented to the town at a legal meeting, stating the limits of the proposed district, the number of inhabitants, the number of voters, and the amount of taxable property, in said proposed district, as near as the same can be ascertained from the records and statistics of the town. If at said meeting the town shall vote in favor of constituting and organizing said district, the inhabitants of the said district may proceed to constitute and organize the same in accordance with the provisions of chapter twenty-four of the General Statutes.

Subject to a vote of the town.

Board of three commissioners to be chosen by the district.

SECTION 3. The legal voters of the said fire district of the town of Lenox shall, within one year from the organizing of said district, at a meeting called for the purpose, choose by ballot a board of three commissioners, who shall be a board of commissioners of hydrants, sidewalks, common sewers, main drains and lamps, all of whom shall be legal inhabitants and voters in said district. Said commissioners shall serve until the next annual meeting of said district, and until others are chosen and qualified in their stead; and said district shall thereafter, at the regular annual meeting of said district, choose by ballot three such commissioners, who shall serve during the ensuing year, and until others are chosen and qualified in their stead. And said district shall have authority to fill any vacancy in said board at any meeting of said fire district regularly called for that purpose. Said commissioners shall be sworn, and shall receive no compensation.

District may raise money by taxation.

SECTION 4. Said district may, at meetings called for that purpose, raise money for the purpose of carrying out the provisions of this act; and said board shall expend the same for the purposes prescribed by vote of the district, and every member of said board of commissioners shall be accountable to the said district for any money received by him; and said district may maintain a suit therefor in the name of the inhabitants of said district. Said board shall not expend any money which has not been duly appropriated by the district, and shall have no authority to bind the district to the payment of money in excess of its appropriation, or for any purpose not specified by the vote of the district appropriating the same. But said district shall, during no year, raise by tax any amount of money exceeding one-tenth of one per cent. of the taxable property in said district.

Yearly tax not to exceed one-tenth of one per cent of taxable property.

Clerk of district to certify to assessors the sums voted to be raised.

SECTION 5. The clerk of the district shall, on or before the first day of May of each year, certify to the assessors of the town of Lenox all sums voted to be raised by the district during the year last preceding under the provisions of this act; which sums shall be assessed and collected by the officers of the town in the same manner as the town taxes are assessed and collected, and shall be paid over to the treasurer of said district, who shall hold the same subject to the order of said board. The clerk of said district shall act as clerk of said board and shall enter all its proceedings in the records of said district.

SECTION 6. It shall be the duty of said board, under the supervision and direction of said district to construct, reconstruct, erect, repair, maintain, and have charge of all main drains, common sewers, sidewalks, lamp posts, street lamps, and street hydrants in said fire district, and of all matters pertaining thereto as herein provided; and to construct such cross walks as may be ordered by said district; and to keep maps and plans of all such main drains and common sewers.

Board to construct main drains, hydrants, etc.

SECTION 7. Said board shall have authority to determine the grade, width, and material, including curbstone, of all sidewalks on the public streets and highways of said district, and to construct, reconstruct, and repair such sidewalks in accordance with such determination. Upon the completion of any sidewalk by said board, or the completion of the reconstruction or repair of any sidewalk, or within one year thereafter, said board shall ascertain, determine and certify the whole expense of such making, reconstruction or repair, and shall cause a record thereof to be made, and shall assess a portion, not exceeding one-half the amount of the same, upon all the lands which abut on such sidewalk so made, reconstructed or repaired.

To determine grade of sidewalks.

SECTION 8. Said board shall have power to determine when, in what manner, and to what extent, snow, ice, grass, herbage, trees and other obstructions, shall be removed from the sidewalks in said district, or from any of the same, or any portion thereof, and to fix by-laws and penalties regulating the same, subject to the approval of said fire district, and also by-laws and penalties prohibiting the deposit of ashes, garbage, filth or other refuse matter, on the street and sidewalks within the limits of said district.

To regulate removal of obstructions from sidewalks.

SECTION 9. No sidewalk graded, constructed, reconstructed or repaired in said district, in conformity to the provisions of this act, shall be dug up or obstructed in any part thereof without the consent of said board; and whoever rides or drives a horse or team, or drives or leads any neat cattle, or uses any vehicle moved by hand, other than those used for the carriage of children, invalids or persons disabled, upon or along any sidewalk in said district, except to cross the same, or shall dig up or otherwise obstruct the same, without such consent, shall forfeit a sum not less than one nor more than five dollars for each violation of the provisions of this section.

Sidewalks not to be dug up or obstructed without consent of board.

Construction of
cross walks.

SECTION 10. Said fire district, at meetings called for that purpose, may order said board to construct cross walks in any of the streets in said district on which they have authority to construct sidewalks. Said board shall construct all such cross walks at the expense of said district, and shall repair and reconstruct the same when ordered by said district, and at its expense.

Board may take
land for laying
common sewers.

SECTION 11. Said board shall lay, make, reconstruct and maintain in said district all such main drains and common sewers as said district, at a legal meeting called for that purpose, shall by vote adjudge to be necessary for the public convenience or the public health, and may repair the same from time to time whenever necessary; and for these purposes may take, in the manner hereafter provided, any land, which in their opinion, may be necessary therefor.

Main drains and
common sewers
to be property
of district.

SECTION 12. All the main drains and common sewers in said district shall be the property of said district, and shall be under the charge and control of said board, who shall have power and authority to regulate the use of the same, and to prescribe the mode, terms and conditions in which the same shall be entered by private drains. And no person shall be allowed to enter or discharge into a main drain or common sewer any private drain, except by leave of said board, and on such terms and conditions as said board shall prescribe; and all such private drains entering any main drain or common sewer shall be under the exclusive charge and control of said board, who shall have authority to make and execute orders concerning the same as though the same were constructed by said board under this act. The provisions of this section shall apply to and govern the use of all sewers and drains in said district, and to the compensation, terms and conditions to be made for such use, whether the same have been heretofore or shall be hereafter constructed.

Private drains.

Assessments by
the board to be
a lien upon the
real estate.

SECTION 13. All assessments made by said board, as provided for in this act, shall constitute a lien on the real estate, assessed for two years from the time of assessment, and for one year after the final determination of any suit or proceedings in which the amount or validity of such assessments shall be drawn in question. Every assessment made by said board shall be recorded in books to be kept for that purpose, and a list thereof shall be committed by said board for collection to the person then authorized by

Assessments to
be recorded.

law to collect taxes in said town. Said collector shall forthwith publish the same by posting up true and attested copies thereof in three several public places in said district; and shall, within thirty days from said publication thereof, demand payment of the same of the owner or occupant of the land assessed, if known to him, and within his precinct. If any such assessment shall not be paid within three months from the publication of said list, he shall levy the same with incidental costs and expenses by sale of the land, such sale to be conducted in like manner as sales of land for non-payment of town taxes; and in making such sales, and any sales for taxes assessed for said district, such collector, and said district and its officers, shall have all the power and privileges conferred by the General Laws of the Commonwealth upon collectors of taxes, and upon cities and towns, and their officers, relating to sales of land for the non-payment of taxes. The collector shall pay over all moneys received by him under this act to the treasurer of said district in the same manner as moneys received by him from taxes assessed for said district by the assessor of Lenox.

Levy for non-payment.

SECTION 14. Every assessment made by said board which is invalid by reason of any error or irregularity in the assessment, and which has not been paid, or which has been recovered back, or which has been enforced by an invalid sale, may be re-assessed by the aforesaid board of commissioners, for the time being, to the just amount which, and upon the estate upon which such assessment ought at first to have been assessed; and the assessments then re-assessed shall be payable, and shall be collected and enforced in the same manner as other assessments.

Invalid assessments may be re-assessed.

SECTION 15. Any person aggrieved by an assessment made by said board may, at any time within three months from the publication of the list of such assessment, as provided in the preceding section, apply by petition to the superior court for the county of Berkshire; and after due notice to the said fire district, a trial shall be had at the bar of said court, in the same manner in which other civil causes are there tried by the jury; and if either request it, the jury shall view the place in question. And such petition may be filed in term time or vacation; and if filed in vacation the clerk may issue an order of notice thereon, returnable to the term of the court next to be held after thirty days therefrom: *provided*, that before filing said

Person aggrieved may apply by petition to the superior court.

Trial by a jury.

petition, the petitioner shall give one month's notice in writing to said board of his intention so to apply, and shall therein particularly specify his objection to the assessments; and to such specification he shall be confined in the hearing by the jury. If the jury shall not reduce the amount of the assessment complained of, the respondent shall recover costs against the petitioner, which costs shall be a lien upon the estate assessed, and be collected in the same manner as the assessment; but if the jury shall reduce the amount of the assessment, the petitioner shall recover costs.

Costs to be a
lien upon estate
assessed.

Description of
land taken to be
filed in the regis-
try of deeds.

Damages.

SECTION 16. Whenever land is taken by virtue of the provisions of section eleven, the said board shall within sixty days after any such taking, file in the registry of deeds of the middle district of the county of Berkshire a description of any lands so taken sufficiently accurate for identification, and a statement of the purpose for which it is taken; and the right to use all lands so taken for the purposes mentioned in said statement shall vest in said fire district and its successors. Damages for land so taken shall be paid by said fire district; and any person aggrieved by the taking of his land under this act, and failing to agree with said board as to the amount of damages, may upon a petition filed with the county commissioners of the county of Berkshire within one year from the filing of the description thereof in the registry of deeds, have his damages assessed and determined in the manner provided when land is taken for highways; and if either party is not satisfied with the award of damages by the county commissioners, and shall apply for a jury to revise the same, the fire district shall pay the damages awarded by the jury, and shall pay costs if the damages are increased by the jury, and shall recover costs if the damages are decreased; but if the jury shall award the same damages as were awarded by the county commissioners, the party who applied for the jury shall pay costs to the other party.

Recovery of
penalties.

SECTION 17. Penalties under the provisions of this act, and under any by-laws established in pursuance thereof, may be recovered by action of tort brought by direction of said board in the name of and for the use of said district, or on complaint or indictment to the use of the Commonwealth: *provided*, that no such action, complaint or indictment shall be maintained, unless brought within thirty days after the right of action accrues, or the offence

is committed. No inhabitant of the district shall be disqualified, by reason of his being such inhabitant, to act as judge, magistrate, juror or officer, in a suit brought for such penalty.

SECTION 18. The provisions of all general laws of the Commonwealth applicable to fire districts, and not inconsistent with this act, shall apply to the fire district of the town of Lenox organized as herein provided. Nothing herein contained shall be construed to interfere with the authority of surveyors of highways, or any authority of the town or its agents, which can be legally exercised over highways or roads. But the town of Lenox shall repair any injury done to sidewalks in said district by the officers of said town by reason of any raising, lowering, or other act done for the purpose of repairing a highway or townway; and whenever any cross walk shall be torn up or injured by the officers of the town of Lenox in making, repairing, altering, raising or lowering any highway or townway, said town shall relay and repair such cross walk in like order and condition as the same was in before it was torn up or injured. The authority of the town of Lenox to construct sidewalks, and main drains, and common sewers, within the limits of said district, shall be suspended while this act is in force; but this act shall in no wise affect the liability of the town for any damages caused within the limits of its highways.

General provisions of law to apply.

Town to repair injury done to sidewalks by officers of the town.

Authority of town to construct sidewalks.

SECTION 19. This act shall take effect upon its passage.

Approved May 3, 1878.

[1872, 62.]

AN ACT to amend the Act to supply the Town of Holyoke with Pure Water. *Chap. 220*

Be it enacted, etc., as follows:

SECTION 1. The water commissioners of the city of Holyoke shall choose a treasurer, who shall hold his office for the term for which he shall be elected and until a successor shall be chosen, who shall give a bond to the satisfaction of said commissioners, conditioned for the proper discharge of his duties.

Water commissioners to choose a treasurer, who shall give bond.

SECTION 2. The trustees of the sinking fund mentioned in the last clause of section seven of chapter sixty-two of the acts of the year eighteen hundred and seventy-two, shall choose a treasurer, who may be the city treasurer, and

Trustees of sinking fund to choose a treasurer, who shall give bond. 1872, 62, § 7.

who, under the direction of said trustees, shall have the receipt, custody and disbursement of all moneys belonging to said fund, and shall give a bond to the satisfaction of said trustees for the proper discharge of his duties.

Trustees to invest sums contributed to sinking fund.

SECTION 3. The said trustees shall receive all sums contributed to a sinking fund, and invest and re-invest the same, and the income thereof as it shall accrue, in the name of the board, in the particular scrip, notes or bonds for the redemption of which such sinking fund was established, or in other bonds of said city which are secured by sinking funds, or in the securities in which by law the funds of savings banks may be invested, except personal securities; but no portion of the same shall be loaned to the city except as herein provided; and the trustees may sell and re-invest such securities when required, in their judgment, for the good management of the fund.

Repeal.

SECTION 4. All acts and parts of acts inconsistent herewith are hereby repealed.

Subject to acceptance by city council.

SECTION 5. This act shall take effect upon its acceptance by the city council of said city.

Approved May 3, 1878.

Chap. 221

AN ACT to authorize the Massachusetts Charitable Mechanic Association to erect a Wooden Building in the City of Boston.

Be it enacted, etc., as follows:

May erect a wooden building in Boston for an exhibition of mechanic arts.

SECTION 1. The Massachusetts Charitable Mechanic Association is hereby authorized to erect a wooden building in the city of Boston, for an exhibition of mechanic and other arts; the said building to be erected under the direction of the inspector of buildings of Boston, and shall be provided with such facilities for the prevention of fire and for the protection of adjoining and adjacent buildings, as may be required by said inspector; and the said wooden building shall be removed by said association whenever ordered by the board of aldermen of said city, and in any event, not later than the first day of March in the year eighteen hundred and seventy-nine; and for the purpose aforesaid the said association is authorized, under the direction of the committee on paving of the city of Boston, to cover over and build upon that portion of Eliot Street extending from Pleasant Street to Columbus Avenue in said city.

Subject to removal by order of the aldermen.

SECTION 2. This act shall take effect upon its passage.

Approved May 3, 1878.

[1876, 150.]

AN ACT to authorize the Grant to Albert G. Browne of a Certain Right of Way over Land of the Commonwealth in the Town of North Adams.

Chap. 222

Be it enacted, etc., as follows:

SECTION 1. The governor, with the advice and consent of the council, may exchange with Albert G. Browne certain rights of way over the line of the Troy and Greenfield Railroad, near the west end of the Hoosac Tunnel in the town of North Adams, as set forth in the agreement of said Browne, bearing date the twenty-first day of March eighteen hundred and seventy-eight and witnessed by Edward Hamilton.

Exchange of certain rights of way in North Adams.

SECTION 2. The treasurer and receiver-general may convey by proper instrument in writing the rights of way herein mentioned to be conveyed to said Browne on behalf of the Commonwealth, on receipt from said Browne of the conveyances mentioned in his said agreement, in manner and form satisfactory to the governor and council.

Treasurer may execute conveyance.

SECTION 3. This act shall take effect upon its passage.

Approved May 3, 1878.

[1867, 290; 1868, 130; 1869, 76; 1878, 172.]

AN ACT to further regulate Fishing in the Connecticut River.

Chap. 224

Be it enacted, etc., as follows:

SECTION 1. Section three of chapter one hundred and forty-four of the acts of the year eighteen hundred and seventy-four, is hereby amended by striking out the word "four," where it first occurs in said section, and inserting in lieu thereof the word "two."

Fish not to be taken within two hundred yards of a fish-way.

SECTION 2. Whoever takes or catches any fish beyond two hundred yards and within four hundred yards of any fish-way now built, or hereafter to be built on the Connecticut River or its tributaries lying within this Commonwealth in any other manner than by naturally or artificially baited hooks and line, shall forfeit for each fish so taken or caught the sum of twenty-five dollars.

May be taken with hook and line beyond two hundred yards and within four hundred yards of a fish-way.

SECTION 3. The limitation of time for catching black bass in the Connecticut River or its tributaries, in this state, shall hereafter be the same as that now fixed, or which shall hereafter be prescribed by the legislature of Connecticut for taking black bass in said river in that state.

Time for taking black bass.

SECTION 4. This act shall take effect upon its passage.

Approved May 3, 1878.

[1881, 47, 103.]

Chap. 226 AN ACT requiring Certain Reports and Estimates of Expense from the Manager of the Troy and Greenfield Railroad and Hoosac Tunnel.

[Repealed 1879, 141.]

[1871, 289; 1872, 124; 1873, 16; 1876, 134.]

Chap. 227 AN ACT to authorize the Purchasers of the Franchise of the Springfield, Athol and North-eastern Railroad to organize a Corporation, and operate the Road.

Be it enacted, etc., as follows:

When franchise and property is sold, new corporation to be formed.

SECTION 1. Whenever the trustees under the mortgages of the Springfield, Athol and North-eastern Railroad Company shall, by virtue of the powers therein contained, sell the property and franchises of the mortgagor for the purpose of foreclosure, the purchaser or purchasers shall, on the completion of the conveyances to him or them, provided he or they have purchased the property and franchises covered by both the mortgages now held against said company, be with his or their associates and successors, a corporation under the name of "The Springfield and North-eastern Railroad Company," with all the rights, powers, privileges and franchises of the mortgagor, and free from any liability or debts incurred by the mortgagor; and the said corporation shall be subject to all the general laws relating to railroad corporations not inconsistent with the provisions of this act.

Meeting of bondholders for organizing corporation.

SECTION 2. Within thirty days after the last sale as aforesaid, if the same parties have become purchasers at each of said sales, a meeting of the bondholders of said Springfield, Athol and North-eastern Railroad Company shall be held at some convenient place on the line of said railroad, after notice signed by one or more of the purchasers at said sale, and by the trustees under each of the mortgages, and published for a period of fourteen days prior to the day of said meeting in at least one newspaper printed in each county in which said railroad has a location; which notice shall set forth that said meeting is for the purpose of organizing the corporation under the provisions of this act.

Each bondholder may receive proportionate

SECTION 3. Each bondholder, who at the meeting provided for in the preceding section shall signify in writing

his election so to do, shall be entitled to receive in payment of his bonds a proportionate amount of the capital stock of the corporation, to be determined as follows, to wit: the whole capital stock shall be divided into two parts for the bondholders under the respective mortgages, which shall bear the same proportion to each other that the price paid at the said sale under one mortgage bears to the price paid at the said sale under the other mortgage, and each bondholder shall be entitled to receive the same proportion of the capital stock set apart for the bondholders under the same mortgage, that the amount of his bonds with the interest thereon bears to the whole amount of bonds and interest secured by said mortgage. If he fails so to signify his election he shall receive his ratable proportion of the proceeds of the sale, according to the provisions of said mortgage. And the stockholders, both by subscription and surrender of bonds, shall at said meeting organize the corporation by the choice of a clerk and a board of directors in accordance with law; and may transact any other business that may be required to complete the organization of the corporation or to carry into effect the purposes and provisions of this act: *provided, however*, that the capital stock of the said corporation shall not be more than ten thousand dollars in excess of the entire amount paid for all the before named property and franchises at said sales.

amount of capital stock.

Failing to take stock, shall receive ratable proportion of proceeds of sale.

Organization of corporation.

Proviso.

SECTION 4. This act shall take effect upon its passage.

Approved May 6, 1878.

[1880, 172.]

AN ACT to establish the Commonwealth's Flats Improvement Fund.

Chap. 237

Be it enacted, etc., as follows:

SECTION 1. The moneys already received, and those which may be hereafter received, from the sales or use of the Commonwealth's lands at South Boston, except so much thereof as has already been placed to the credit of the sinking funds, shall be placed to the credit of a fund, which shall be called the "Commonwealth's Flats Improvement Fund"; and said fund may be invested by the treasurer of the Commonwealth, at his discretion from time to time, in the same manner as is now provided by law for the investment of the Commonwealth's funds; and all income from such investments shall be added to the fund.

The "Commonwealth's Flats Improvement Fund," established.

Appropriation
of \$200,000 from
the fund.

SECTION 2. For the purpose of enforcing and executing the provisions and requirements of existing laws relating to the Commonwealth's flats at South Boston, and for the payment of money which may be needed to carry out the provisions of chapter two hundred and thirty-nine of the acts of the year eighteen hundred and seventy-five there is hereby appropriated the sum of two hundred thousand dollars from the fund established by this act; and the treasurer is authorized from time to time, as money shall be needed for said purposes, to sell such portions of the securities in which said fund is invested as may be necessary to meet the expenditures incurred by authority of this act.

SECTION 3. This act shall take effect upon its passage.

Approved May 10, 1878.

[1872, 130; 1878, 20.]

Chap. 238 AN ACT to authorize the Town of West Springfield to borrow Money for Certain Purposes.

Be it enacted, etc., as follows:

May issue bonds
not exceeding
\$25,000.

SECTION 1. The town of West Springfield is hereby authorized to issue bonds, not exceeding in amount the sum of twenty-five thousand dollars, payable in twenty years from the date thereof and bearing interest at a rate not exceeding six per centum per annum, for the payment of the amount imposed upon said town under chapter one hundred and thirty of the acts of the year eighteen hundred and seventy-two, entitled "An Act to establish a Free Bridge across the Connecticut River, between Springfield and West Springfield."

Sinking fund for
payment of
bonds at ma-
turity.

SECTION 2. The provisions of chapter two hundred and nine of the acts of the year eighteen hundred and seventy-five, in regard to a sinking fund for the payment of debts contracted in constructing general sewers, and the acts amendatory thereof, shall apply to this act; and said town of West Springfield is hereby required to create a sinking fund in accordance therewith, for the payment of said bonds at their maturity.

SECTION 3. This act shall take effect upon its passage.

Approved May 10, 1878.

Chap. 239

AN ACT to revise the Charter of the City of Fall River.

[Rejected July 19, 1878.]

AN ACT to supply the City of Newburyport with Water.

Chap. 240

[Rejected June 22, 1880.]

[1878, 246.]

AN ACT in relation to Registration and Elections in the City of Boston.

Chap. 243

Be it enacted, etc., as follows:

SECTION 1. On or before the first day of September in the current year, each ward of the city of Boston shall be divided by the board of assessors of taxes in said city into voting precincts, each consisting of compact and contiguous territory within said ward, and containing as nearly as may be five hundred registered voters. The registration in the year eighteen hundred and seventy-seven shall be taken as the basis of such division. Said precincts shall be designated by numbers or by letters of the alphabet. In the year eighteen hundred and eighty-six, as soon as practicable after the division of the city into new wards as now provided by law, and every fifth year thereafter, the said wards shall be divided by said board of assessors into voting precincts on the basis of the registration of voters in the preceding year.

Voting precincts to be established by the assessors.

Precincts to be designated by numbers or letters.

SECTION 2. In each voting precinct there shall be the following election officers: that is to say, at the annual city election, except in the current year, one person shall be chosen in each precinct as warden, and one person as clerk; and the mayor, at some time before the first day of October in each year, except the current year, shall with the approval of the board of aldermen appoint for each voting precinct two inspectors, qualified voters in the ward of which such precinct forms a part, who shall be men of good repute and standing, and from different political parties. Each of these officers shall be sworn to the faithful discharge of his duties, and shall hold office for one year from the said first day of October. In case of any vacancy in the office of inspector, or in case either of said inspectors shall decline to act in that capacity before the first day of November in any year, the mayor may, with the approval of the board of aldermen, make an appointment of some person of good repute and standing to fill said office; and in making such appointment it shall be his duty to select some person of the same political party with the original incumbent of said office; and every person so appointed shall be sworn to the faithful discharge of his

Warden and clerk to be elected in each precinct.

Two inspectors to be appointed.

Vacancies. duties. In case of a vacancy in the office of warden, clerk or inspector of a precinct on the day of any election, such vacancy shall be filled *pro tempore* by the voters of said precinct by nomination and hand vote. The wardens, clerks and inspectors appointed or elected as herein provided shall have the same powers, and except as herein-after provided be subject to the same duties and liabilities, as the wardens, clerks and inspectors now holding office in said city.

Warden, clerk and inspectors to be appointed to act at next annual state election.

Terms of office upon a new division of wards.

Warrants to be issued for assembling of voters at the several polling places within the wards.

Precinct officers to make returns to city clerk.

SECTION 3. The terms of office of all ward officers heretofore chosen shall expire on the day before the next annual state election; and the mayor and aldermen shall previous to that date appoint from the legal voters in each ward one warden, one clerk and two inspectors for each precinct within said ward, who shall officiate in their several capacities on the day of said state election. The inspectors so appointed shall be selected from different political parties, and shall hold office until the first day of October of the following year; and the wardens and clerks so appointed shall hold office only during the state election of the current year. At said state election there shall be chosen a warden and clerk in each precinct, who shall hold office until their successors are chosen as provided in the foregoing section. And in every year in which a new division of the wards into voting precincts is made, as herein before provided, the terms of office of the election officers then holding office shall expire before the next annual state election, and the same proceedings shall be had in the appointment and election of officers for the new precincts as are herein provided for the precincts established in the current year.

SECTION 4. The board of aldermen shall, at least ten days before any election, issue their warrants for the legal voters of each or any ward as may be required, to assemble at the several polling places within said ward at the time and for the purpose stated in said warrants; and it shall be the duty of the officers of each precinct to receive, sort and count the ballots cast at such election, and to make returns in the manner provided by law, to the city clerk, of the results of such election, and of the number of votes cast for each officer, except the warden and clerk of said precinct. When an election is held in any precinct for a warden or clerk of said precinct, it shall be the duty of the officers presiding at such election to send a certificate of election to the person chosen to either of said offices.

SECTION 5. The board of aldermen shall, thirty days at least before the day of each election, designate and appoint the polling place in each of the voting precincts in the city, and procure the same for such purpose and cause it to be fitted up and prepared therefor. Such place shall be in the most public, orderly and convenient portion of the district; and no building or part of a building shall be so designated or used in which, or in any part of which, intoxicating liquor is sold or has been sold within thirty days next preceding the day of election.

Polling places to be designated and appointed by aldermen.

No building to be used where intoxicating liquor is sold.

SECTION 6. The assessors of taxes in the city of Boston shall, on or before the fifteenth day of July in each year, except in the year eighteen hundred and seventy-eight, make, print and post, in at least one public place within each voting precinct, street lists arranged by voting precincts so as to show under the number of the house, or if there is no number then under such other definite description of the location of the dwelling place as will enable it to be readily ascertained, the names of all persons resident in each dwelling, and assessed for poll taxes; and shall also send such number of copies thereof as may be required to the registrars of voters.

Lists of voters to be posted in each voting precinct.

SECTION 7. Any person not assessed for a poll tax who is entitled to be so assessed, may, not later than the first day of September in each year, apply to the board of assessors to be assessed; and said board shall hold before that date not less than ten evening sessions for the performance of the duties imposed on them by this section.

Application for assessment of poll tax not to be made after first day of September.

SECTION 8. The collector shall fix convenient times and places in each ward or precinct, extending to not later than the fifteenth day of October in each year, for the payment of taxes to himself or a deputy collector, and of the times so appointed not less than six shall be in the evening; and he shall give public notice thereof by advertisements in at least two daily newspapers printed in Boston, one of which shall be an evening paper, and also by a circular or card addressed to each person assessed for a poll tax only, and delivered through the mail or otherwise. Said circulars or cards shall be delivered on or before the second day of September in each year, and the sessions to be held by said collector under the provisions of this act shall begin as soon after the second day in September of each year as may be necessary. No tax bills for poll taxes only shall hereafter be distributed to or for the persons assessed before payment thereof.

Collector to designate times and places in each ward or precinct for payment of taxes.

Person assessed for poll tax only, to be notified by circular.

Changes and
corrections of
assessed names.

SECTION 9. All changes or corrections of assessed names shall be made by the board of assessors on a form or certificate specially prepared for the purpose; on presentation of which to the collector of taxes, he shall make the corresponding change or correction on the list of assessed polls committed to him by the assessors of taxes, and also on the tax bill before it is receipted or delivered, and shall affix thereto his official stamp, which shall be the only authority recognized by the registrars of voters in adopting said changes or corrections for the purposes of registration.

Certificate of
payment in case
of loss of tax
receipt.

SECTION 10. If any person assessed for a poll tax only shall have lost his receipt therefor he may make application to the board of assessors for proof of assessment, who, if satisfied that he is the person he claims to be and that his tax bill has been lost or destroyed, shall furnish him with a statement giving his name, residence, ward, and page of assessment; which statement shall be presented by the applicant to the collector of taxes, who shall issue to him a certificate, different in color, size and appearance from the original tax bill, setting forth that said tax has been paid.

Names not to
be added to
posted list ex-
cept upon per-
sonal applica-
tion of voter.

SECTION 11. After the ward lists of qualified voters are printed and posted as now required by law, no name shall be added thereto, unless the applicant for registration appears in person before the registrars or assistant registrars.

Names of per-
sons deceased,
to be erased
from voting
lists.

SECTION 12. The city registrar shall, on the first day of every month, and also two days before every election, send to the registrars of voters a list, by wards, of male persons over twenty-one years of age deceased within the preceding month, or since the last time of sending such list; and the names of such persons found upon the voting lists shall be erased therefrom.

Name errone-
ously erased
from list, may
be restored.

SECTION 13. If the name of a qualified voter shall be erroneously erased from the published voting list, he may apply to the registrars of voters at any time before the closing of the polls for its restoration; and if he shall prove that his claim be valid his name shall be restored to the voting list; and he shall be given a certificate thereof, if such restoration is made on the day of election; on presentation of which to the officers of the precinct in which he was entitled to be registered, he shall be allowed to vote therein; and the certificate shall be returned and preserved in like manner with the ballots cast in said precinct.

SECTION 14. On complaint in writing, under oath, made by any voter of the city at least seven days prior to an election, setting forth that he has reason to believe, and does believe, that any one whose name is on the voting list has not the legal qualifications of a voter, and setting forth the nature of the alleged disqualification, it shall be the duty of the registrars, if they shall be satisfied that there is reasonable ground for such complaint, to summon such person to appear before them at a time and place named, and to examine him under oath in regard to the matter set forth in the complaint; and if satisfied that he is not a qualified voter, his name shall be stricken from the list.

Name may be stricken from list, when complaint is made under oath, and after examination.

SECTION 15. If the registrars are not satisfied as to the identity or qualifications of an applicant for registration, they may make such examination of said applicant, under oath, as they may consider necessary or proper, to verify the fact that he is possessed of the constitutional requirements of a voter; and said registrars as soon after the second day of September in each year as may be necessary, shall hold evening sessions in or near each ward for the performance of any and all the duties imposed upon them by the provisions of this act: *provided, however*, that they shall hold not less than ten evening sessions prior to the annual state or municipal election.

Proof of identity or qualifications of applicant for registration.

Proviso.

SECTION 16. The registration of voters shall cease at ten o'clock in the evening of the fourteenth day preceding the day of any election; and no name shall thereafter be entered on the voting lists except as provided in section ten, chapter three hundred and seventy-six, of the acts of the year eighteen hundred and seventy-four, or to restore a name erroneously stricken off as herein before provided.

Registration to cease at ten o'clock P.M. of the fourteenth day preceding any election.

SECTION 17. If any person who will become twenty-one years of age before the election next ensuing shall make application to the registrars for registration in order to entitle him to vote at such election, he shall be admitted to registration, provided the registrars shall be satisfied that he will be of age before such election, and that he has the other constitutional qualifications of a voter, and is the identical person he professes to be.

Person becoming of age before next election, may be admitted to registration.

SECTION 18. One ballot box only shall be used in each voting precinct; and before voting begins the ballot box shall be shown to be empty; and it shall not be removed from the public view from the time when it is so shown to be empty until after the close of the polls.

Ballot box to be shown to be empty, and not to be taken from public view while polls are open.

Name and residence of voter to be announced in a loud voice by inspector.

Ballots and lists to be sealed up.

Certificates, etc., to be preserved for two years.

Person taking false oath, to be deemed guilty of perjury.

Person inducing false oath to be taken, deemed guilty of subornation of perjury.

Penalties on officers.

Not to affect elections previous to next state election.

SECTION 19. Every person offering to vote shall give his name and residence, and the same shall be announced in a loud and distinct tone of voice by one of the inspectors; and no ballot shall be received until the name shall have been found upon the list, and properly checked. After the canvas has been completed by the election officers, the ballots and voting lists shall be sealed up, transmitted to the city clerk, and preserved in the manner now provided by law.

SECTION 20. All applications, certificates or affidavits taken by the board of assessors or registrars of voters, under this act, shall be preserved for two years.

SECTION 21. Any person who shall wilfully and corruptly take any false oath or affirmation in making any application, certificate, complaint or affidavit or upon any examination provided for in this act, shall be deemed guilty of perjury.

SECTION 22. Any person who shall wilfully and corruptly instigate, advise, induce, or procure any other person to take any false oath or affirmation in making any application, certificate, complaint or affidavit, or upon any examination provided for in this act, shall be deemed guilty of subornation of perjury.

SECTION 23. Any registrar, assistant registrar, assessor, assistant assessor, collector, assistant collector, warden, clerk or inspector of elections, who shall wilfully violate any provision of this act, shall be punished by imprisonment not exceeding one year, or by a fine not exceeding one hundred dollars.

SECTION 24. This act shall take effect upon its passage; but any election which may be held previous to the next state election shall be conducted according to the provisions of the laws heretofore regulating the same.

Approved May 11, 1878.

[1879, 163 ; 1880, 225 ; 1881, 221, 291.]

Chap. 244 AN ACT in relation to the Police Department of the City of Boston.

Be it enacted, etc., as follows :

Police commissioners to be appointed.

Terms of office.

SECTION 1. The mayor of the city of Boston may appoint, subject to the approval of the city council, three able and discreet persons to constitute a board of police commissioners in said city. The terms of office of said commissioners shall be so arranged at the time of their ap-

pointment that the term of one shall expire on the first Monday in May in each year after the year eighteen hundred and seventy-eight; and the vacancy so created, as well as all vacancies occurring otherwise, shall be filled by the mayor, with the approval of the city council. Any member of said board may be removed at any time by the mayor for cause; or he may be removed by vote of two-thirds of the whole of each branch of the city council by vote taken by yeas and nays.

Removal from office.

SECTION 2. All the powers vested by the statutes of the Commonwealth in the board of aldermen of the city of Boston in relation to the administration of police, and the appointment of watchmen and policemen in said city, and all the powers and duties conferred upon the board of license commissioners, appointed under the provisions of section twenty, chapter ninety-nine, of the acts of the year eighteen hundred and seventy-five, shall be and hereby are vested in the said board of police commissioners; and said board may also be empowered by the city council to exercise all or any of the powers conferred by the statutes of the Commonwealth upon the board of aldermen, the city council or the city of Boston, in relation to licensing, regulating and restraining theatrical exhibitions, public shows and public amusements, billiard tables, bowling alleys, inn-holders and victuallers, auctioneers, hawkers and peddlers, carriages, wagons and other vehicles, intelligence offices, itinerant musicians, pawnbrokers, and dealers in second hand articles and old junk.

Powers in relation to administration of police, and powers and duties of license commissioners conferred upon police commissioners.

Licensing public shows, etc.

SECTION 3. The said board of police commissioners shall appoint a superintendent of police, a deputy superintendent of police, and such number of captains, inspectors, sergeants, patrolmen, clerks and other officers as the city council may from time to time by ordinance prescribe: *provided, however*, that the appointment of the superintendent of police, the deputy superintendent of police and the captains of police shall be subject to approval by the mayor of the city. Any of said officers or members of the department may be removed by the board for cause. The compensation of the commissioners and the officers of each grade shall be fixed from time to time by ordinances of the city council.

Commissioners to appoint policemen.

Superintendent, deputy and captains appointed, subject to approval of mayor.

SECTION 4. The government and discipline of the police department shall be such as the said board of police commissioners may from time to time by rules and regula-

Rules and regulations.

**Powers and
duties.**

tions prescribe. The superintendent of police, appointed as herein before provided, shall have and exercise all the powers and duties which by the laws now in force are held and exercised by the chief of police of the city of Boston; and the other officers and patrol policemen, appointed as herein before provided, shall have and exercise all the powers and duties which by the laws now in force are held and exercised by the watch of the city of Boston or by the police of said city.

**Disabled police-
men may be re-
tired with pen-
sions.**

SECTION 5. The said board of police commissioners may, by the affirmative vote of all the members, and with the approval of the mayor, retire from office in said police department any captain, inspector, sergeant or patrolman who has become disabled while in the actual performance of duty, or who has performed faithful service in the department for a period of not less than fifteen consecutive years, and place the officer so retired upon a pension roll, and allow him an amount not exceeding one-third the annual salary or compensation of the office from which he is so retired. But no such officer shall be placed on the pension roll unless it shall be certified to the board in writing, by the city physician, that the officer is permanently incapacitated, either mentally or physically, from performing his duty as a member of the department, nor unless due notice is given to the officer of the intention to place him on the retired list. And said commissioners may, with the approval of the mayor, expend such sums as may be specially appropriated therefor by the city council for the relief of widows of police officers who have been killed in the execution of their duty, or have died from the effect of injuries received in the execution of their duty. For the payment of the pensions herein authorized the commissioners may draw from time to time upon the trustees of the fund for the relief of disabled police officers, established by an ordinance of the city council the seventeenth day of June in the year eighteen hundred and seventy; and may also apply, if necessary, in addition to the income from said fund, any sums which may be specially appropriated therefor by the city council.

**Relief of widows
of officers.****Railroad police.**

SECTION 6. The appointment of railroad police in the city of Boston, as authorized under the provisions of chapter three hundred and seventy-two of the acts of the year eighteen hundred and seventy-four, shall be made by the said police commissioners; and said commissioners may, if

they deem it expedient, upon the written application of any responsible corporation or person, appoint for a term not exceeding one year, suitable persons to be special police officers, to serve without pay from the city, under such rules and regulations as the commissioners deem expedient, with the power of police officers to preserve order and to enforce the laws and the ordinances of the city in and about any place of amusement, place of public worship, wharf, manufactory, or other locality specified in the application : *provided*, that such corporations or persons shall give bond to the city treasurer, satisfactory to the city solicitor, to be liable to parties aggrieved by any official misconduct of such police officer to the same extent as for the torts of agents and servants in their employment ; and proceedings may be had upon said bonds in the same manner as upon the bonds of constables. A record of such appointments shall be kept in the office of the commissioners ; and any appointments so made may be revoked by the said commissioners at any time.

Special police.

Corporations to give bond.

SECTION 7. The said board of police commissioners may, upon an emergency or apprehension of riot, tumult, mob, insurrection, pestilence or invasion, appoint as many special patrolmen, without pay, from among the citizens, as they may deem desirable. During the service of any special patrolman authorized as aforesaid, he shall possess all the powers and privileges and perform all the duties that may be by orders, rules and regulations, from time to time prescribed.

Commissioners may appoint special patrolmen without pay.

SECTION 8. The mayor of the city of Boston shall have power at all times, in any emergency, of which he shall be the judge, to assume command of the whole or any part of the police force in said city.

Mayor may assume command of police at any time.

SECTION 9. The city council of Boston shall have power to pass such ordinances, not inconsistent herewith or repugnant to other laws of this Commonwealth as to the duties and authority of said board of police commissioners, as it may from time to time deem expedient and necessary.

Powers and duties of commissioners may be regulated by ordinance.

SECTION 10. The members of the Boston police force in office when the said police commissioners are first appointed, shall continue to hold their several offices until removed or placed on the retired list by the said commissioners ; and the present rules and regulations of the board of aldermen for the government of the police shall continue in force until otherwise ordered by the said commissioners.

Members of force to continue in office.

Repeal.

SECTION 11. All acts or parts of acts inconsistent herewith are hereby repealed.

SECTION 12. This act shall take effect upon its passage.

Approved May 14, 1878.

[1879, 38, 59, 97; 1880, 99.]

[B. & M., 1876, 7; L. & L., 1846, 137; 1848, 14; 1851, 107; 1855, 386.]

Chap. 245 AN ACT in relation to the Crossing of the Tracks of the Boston and Maine Railroad by the Lowell and Lawrence Railroad Company at South Lawrence.

Be it enacted, etc., as follows:

Commissioners to designate crossing, unless method and place is agreed upon by railroad within thirty days.

SECTION 1. Unless within thirty days after the passage of this act the Lowell and Lawrence Railroad Company and the Boston and Maine Railroad shall have agreed upon a method to be approved by the board of railroad commissioners, by which the tracks of the first named corporation shall cross the tracks of the last named corporation, or its Methuen branch, immediately north of the station at South Lawrence, the said board of railroad commissioners is hereby empowered on the petition of either of said corporations to designate a place where and a method by which said crossing shall be made. In fixing such crossing the said commissioners are hereby authorized to cause the same to be effected at grade or otherwise as they may deem best, and for the purpose of more conveniently effecting it they may authorize the Lowell and Lawrence Railroad Company to locate, construct and maintain its railroad within the location of any other railroad corporation in South Lawrence, and they may also, if they deem necessary, change the present line of the tracks of the Boston and Maine Railroad between Andover Street and Union Street in said South Lawrence: *provided*, that at no point shall such line be changed laterally more than one hundred feet; and *provided, further*, that all expenses incurred and damages caused in effecting said crossing, or in changing said tracks in the way prescribed by said commissioners, shall be paid by the Lowell and Lawrence Railroad Company, and such damages shall be ascertained in the manner provided by law for estimating damages for the taking of land of private parties for railroad locations.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved May 15, 1878.

[1879, 27.]

AN ACT to change the Name of the Main Street Methodist Episcopal Church of Worcester. *Chap. 246*

Be it enacted, etc., as follows :

SECTION 1. The Main Street Methodist Episcopal Church of Worcester shall be called and known as The Grace Methodist Episcopal Free Church of Worcester. *Name changed.*

SECTION 2. This act shall take effect upon its passage.

Approved May 15, 1878.

AN ACT to establish the Boundaries of Fire District Number One in the Town of Greenfield. *Chap. 247*

Be it enacted, etc., as follows :

SECTION 1. The boundaries of fire district number one in Greenfield shall be as follows :—Commencing at the town line at the summit of the Rocky Mountain, thence northerly along the summit of said Rocky Mountain to a point at which a continuation of the southerly line of the farm lately occupied by Sylvester Maxwell would strike the summit of Rocky Mountain ; thence westerly along said line and the southerly line of said Maxwell Farm in a direct line to the thread of the stream of Green River ; thence southerly on the thread of the stream of said Green River to the mouth of the brook which runs between the houses of J. E. Thompson and Solomon Wheeler ; thence southerly in a direct line to the town line, where it is crossed by the west line of Franklin Park ; thence easterly along said town line to the place of beginning. *Boundaries of fire district established.*

SECTION 2. This act shall take effect when the same shall have been approved by vote of the legal voters of said fire district at a meeting called for that purpose. *Subject to approval by voters.*

SECTION 3. All acts inconsistent with this act are hereby repealed. *Repeal.*

Approved May 15, 1878.

[Approved by legal voters Oct. 29, 1881.]

[1878, 61.]

AN ACT in addition to An Act to incorporate the Town of Mashpee. *Chap. 248*

Be it enacted, etc., as follows :

SECTION 1. Any justice of the superior court at a term thereof in the county of Barnstable, upon the application of the selectmen of the town of Mashpee, shall direct the commissioners mentioned in section six of chapter two hundred ninety-three of the acts of the year eighteen hundred and seventy, to divide the proceeds of the *Proceeds of sale of lands to be divided.*

sale of lands therein mentioned, without cost to the Commonwealth, among the persons entitled to the lands prior to the sale in proportion to their several interests therein: *provided, however*, that no person shall be entitled to receive any portion of said proceeds who may have or may have had any rights in lands or the proceeds thereof in any other Indian district or plantation now or hitherto existing in the Commonwealth; the report of the doings of said commissioners shall be returned to said superior court and being approved may be confirmed by decree thereof. Said report and decree shall be recorded in the registry of deeds in said county; and the expenses of recording shall be paid from the treasury of the Commonwealth.

Proviso.

Report to be returned to superior court.

Treasurer to pay money over to commissioners upon their requisition.

Record of allotments and transfers in Marshpee to be recorded in registry of deeds.

SECTION 2. Whenever a justice of the superior court shall direct said commissioners to divide said proceeds, as herein before provided, the treasurer of said town shall pay over to said commissioners upon their requisition therefor, to be divided as aforesaid, all sums of money received by him or his predecessors in office, by virtue of the provisions of said section six, and not otherwise lawfully expended.

SECTION 3. The register of deeds in said county shall as soon as may be record in a separate volume the contents of the book wherein allotments and transfers of real estate in the district of Marshpee and the town of Mashpee have hitherto been recorded, and shall properly index the same; and such record shall have the force and effect of the records contained in said original book; and the reasonable expense of such recording and indexing, when approved by a justice of the superior court, shall be paid from the treasury of the Commonwealth.

SECTION 4. This act shall take effect upon its passage.

Approved May 15, 1878.

[1878, 113.]

Chap. 252 AN ACT in relation to the Commonwealth's Interest in the Capital Stock of the Boston and Albany Railroad Company.

Be it enacted, etc., as follows:

Right to take additional stock in road may be sold.

SECTION 1. Whenever the capital stock of the Boston and Albany Railroad Company shall be increased, or additional shares of said stock issued pursuant to authority heretofore given, the directors shall, unless said shares are sold at public auction, give notice in writing of such in-

tended increase to the treasurer of the Commonwealth, and upon the receipt of said notice he may sell the Commonwealth's right to the proportion of stock to which it may be entitled, in such manner as he shall deem most beneficial to the Commonwealth.

SECTION 2. This act shall take effect upon its passage.

Approved May 15, 1878.

[1880, 172.]

[1876, 150.]

AN ACT making Appropriations for the Improvement and Maintenance of the Troy and Greenfield Railroad and Hoosac Tunnel.

Chap. 267

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the earnings of the Troy and Greenfield Railroad and Hoosac Tunnel, for the improvement and maintenance of said railroad and tunnel as follows, viz.:—

Appropriations for improvement of railroad and tunnel.

For engine house at North Adams, twenty thousand dollars.

For coal sheds at North Adams, five hundred dollars.

For land damages in Franklin County, fifteen thousand dollars.

For alterations of freight depot at Greenfield, two thousand dollars.

For sidings on the line of the road, ten thousand dollars: *provided*, that no contracts shall be made or money expended for materials or work under this act until plans and estimates for the work have been approved by the governor and council.

Provide.

SECTION 2. This act shall take effect upon its passage.

Approved May 17, 1878.

[1876, 150.]

AN ACT to provide for a Union Passenger Station at North Adams.

Chap. 268

Be it enacted, etc., as follows:

SECTION 1. The manager of the Troy and Greenfield Railroad and Hoosac Tunnel under the direction of the governor and council is hereby authorized and required to establish, locate, construct and keep in repair a union passenger station, suitable for the purposes of this act, in the town of North Adams, on land agreed to be conveyed to the Commonwealth by the Pittsfield and North Adams Railroad Corporation as indicated on a plan signed "Wm.

Union passenger station to be built in North Adams.

P. Granger, Chief Engineer," dated April eighteen, eighteen hundred and seventy-eight, now on file in the office of the secretary of the Commonwealth.

Manager may take land, if the Pittsfield and North Adams Railroad neglects to convey the same.

SECTION 2. If the Pittsfield and North Adams Railroad Corporation shall neglect or refuse to convey to the Commonwealth for thirty days after the passage of this act the land designated on said plan, the said manager under the direction of the governor and council may take such land for the uses of the Troy and Greenfield Railroad and the purposes of this act under the provisions of law for the taking of land for depot and station purposes by railroad corporations, so far as the same may apply.

Station to be built within two years, at expense of not exceeding \$20,000.

SECTION 3. Said station shall be constructed by contract within two years from the passage of this act, at an expense not exceeding twenty thousand dollars exclusive of the cost of land and the expenses incurred under section five. Said station may be used by the manager and the officers and employees in control and charge of the Troy and Greenfield Railroad and Hoosac Tunnel, and shall be used as a passenger station by the corporation now or hereafter using and operating the Troy and Greenfield Railroad and by the Pittsfield and North Adams Railroad Corporation, the latter corporation yielding and paying a reasonable rent therefor, which if not agreed upon by the parties shall be determined and may be revised from time to time at intervals of not less than three years by the board of railroad commissioners on the application of either party.

Manager to submit plans to Pittsfield and North Adams Railroad Corporation for approval.

SECTION 4. The said manager shall as soon as practicable after the passage of this act, cause plans and drawings to be prepared of said proposed station, exhibiting its form, dimensions and arrangements, and shall submit said plans and drawings to the Pittsfield and North Adams Railroad Corporation for its approval of the accommodations to be furnished said railroad. In case said corporation shall disapprove of the accommodations to be furnished to it, or of the arrangement of tracks, the questions relating thereto and all other matters in dispute shall be determined by the board of railroad commissioners, who shall from time to time have power to make and revise all necessary rules and regulations for the use and control of said station upon the application of any party in interest.

Manager to pay to Pittsfield and North Adams Railroad such

SECTION 5. The said manager shall pay to the Pittsfield and North Adams Railroad Corporation such sum as may be agreed upon by the parties, or in case of disagree-

ment as the board of railroad commissioners upon the application of either party shall determine to be just and reasonable, if any, for outlays and expenses necessarily incurred by said Pittsfield and North Adams Railroad Corporation in constructing, relaying and rearranging its road and tracks so as to conform to the requirements of this act.

sums as may be agreed upon, or be determined by railroad commissioners.

SECTION 6. The governor with the advice and consent of the council is authorized to order the conveyance to the Pittsfield and North Adams Railroad Corporation of such tracts and parcels of land owned by the Commonwealth as may be required to enable said corporation to reach said station with its trains and use the same; and upon such order a deed of quit-claim of such tracts or parcels signed by the treasurer and receiver-general and sealed with the seal of the Commonwealth shall be delivered said corporation in conveyance of the same.

Conveyance of land to the Pittsfield and North Adams Railroad.

SECTION 7. For the purposes of this act and for the purpose of paying for lands and rights of way heretofore taken from the Pittsfield and North Adams Railroad Corporation, a sum not exceeding fourteen thousand dollars is appropriated in addition to the appropriations heretofore made for said purposes, the same to be taken from the earnings of the Troy and Greenfield Railroad and Hoosac Tunnel.

Appropriation for paying for lands and rights of way.

Approved May 17, 1878.

[1876, 194.]

AN ACT to amend An Act providing for an Increase in the Number of Assistant Watchmen employed at the State Prison.

Chap. 269

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter one hundred and thirty-three of the acts of the year eighteen hundred and seventy-four is hereby amended, so that there may be employed at the state prison six additional watchmen, at a salary not exceeding six hundred dollars per annum each.

Additional watchmen for the state prison.

SECTION 2. This act shall take effect upon its passage.

Approved May 17, 1878.

[1876, 140, 150.]

AN ACT relative to the Establishment of a Passenger Station in Greenfield and Reimbursements for Land Damages in that Town.

Chap. 277

Be it enacted, etc., as follows:

SECTION 1. The governor and council are authorized to determine by arbitration, agreement or otherwise, the amounts due or which may become due from the inhabit-

Amounts due from Greenfield for reimbursements for land

damages, to be determined by agreement or arbitration.

Site of passenger station to be determined by governor and council.

Passenger station to be built as soon as sufficient is received from reimbursements to pay for same.

Proviso.

Plans of proposed station to be submitted to the Fitchburg, Vermont and Massachusetts, and Connecticut River Railroads for approval.

ants of Greenfield for reimbursements for land damages, whether liquidated or not, under chapter one hundred and forty of the acts of eighteen hundred and seventy-six, and the contracts relative to such reimbursements, and to collect and receive the same or any part thereof, and apply the same to the purposes of this act; and the same are hereby appropriated for the purpose, the surplus if any to be paid into the treasury of the Commonwealth.

SECTION 2. When a sufficient sum shall have been received under the provisions of section one for the purposes of constructing a passenger station as hereinafter provided, it shall be the duty of the governor and council as soon as may be, after such hearing of parties interested as they may deem proper, to determine and declare by an order in council the site of a passenger station in Greenfield, having due regard to the interests of the corporations to use the same, and of the public.

SECTION 3. From such reimbursements, when sufficient are received, the manager of the Troy and Greenfield Railroad and Hoosac Tunnel, under the direction of the governor and council, shall without delay construct, purchase or repair upon the site selected, a passenger station with sufficient platforms at a cost not exceeding fifteen thousand dollars, exclusive of the cost of land; but if such reimbursements received shall not amount to that sum, then at a cost, exclusive of cost of land, not exceeding the full amount of such reimbursements, but not less than twelve thousand dollars: *provided*, that if all reimbursements due or to become due shall have been fully paid to the satisfaction of the governor and council and shall not amount to fifteen thousand dollars, then said station shall be constructed at a cost not exceeding fifteen thousand dollars, exclusive of cost of land, and the deficit after exhausting such reimbursements shall be taken from the earnings of the Troy and Greenfield Railroad and Hoosac Tunnel, which are hereby appropriated for the purpose.

SECTION 4. When said manager shall be ready to construct, purchase or repair said station as provided in section three, if within two years from the passage of this act, he shall notify the Fitchburg Railroad Company or the corporation operating the Vermont and Massachusetts Railroad and the Connecticut River Railroad Company, and the station provided for shall be a union passenger station; and said manager shall forthwith submit to the said companies

plans of said station and of the accommodations to be furnished them in said station; and if said companies or either of them shall disapprove or neglect for thirty days to agree to the same, then all questions relative thereto shall be settled by the decision of the major part of the board of railroad commissioners. After such settlement said manager shall forthwith construct, purchase or repair said union passenger station as provided in section three, and shall thereafter maintain and keep it in repair; but it shall be used as a passenger station by the Connecticut River Railroad Company, the Fitchburg Railroad Company, and other corporations using or operating the Vermont and Massachusetts Railroad, and by all corporations using or operating the Troy and Greenfield Railroad in Greenfield, and by the manager and his employés for their purposes, under such rules and regulations as may be agreed upon by the manager, under direction of the governor and council, with the corporations using the same, or on failure to agree, as may from time to time be prescribed by the board of railroad commissioners or a major part thereof. The rental or tolls which the corporations using said station shall pay therefor to the Commonwealth, and which the corporations using the Vermont and Massachusetts Railroad shall pay for the use of the tracks of the Troy and Greenfield Railroad necessary to reach said station, shall be determined by agreement of the parties interested with the manager under direction of the governor and council, and on failure of such agreement shall be determined and may be revised and altered at intervals of not less than three years by the majority of the railroad commissioners upon application of any party interested. Any party aggrieved by any decision as to the amount of rental or tolls to be paid as provided, may within six months from the date thereof appeal from the same to the superior court, and have his case tried by a jury at the bar of that court in the county of Franklin, whose verdict accepted by said court shall be final until another revision as before provided.

Rental or tolls
for use of sta-
tion.

SECTION 5. Until the construction of a station as herein before provided, the manager under the direction of the governor and council if they deem it necessary, may provide such temporary passenger accommodations for the use of the corporations using the Troy and Greenfield Railroad as may be deemed fit.

Temporary pas-
senger accom-
modations may
be provided.

Manager may take land from Connecticut River Railroad.

Proviso.

Certain land may be taken from Connecticut River Railroad, if station is located westerly of Clayhill Street.

Appropriation from earnings of the road.

SECTION 6. For the purposes of this act the said manager under direction of the governor and council may take all land necessary, from land of the Connecticut River Railroad Company or other parties, in manner provided by law for the taking of land for depot and station purposes by railroad corporations, so far as the same may apply: *provided*, that for the purposes of this act no land of the Connecticut River Railroad Company lying easterly of Clayhill Street, or the highway leading therefrom from Greenfield to Deerfield, or within four feet of the westerly rail of their main track shall be taken without the consent of said company. The land taken under the provisions of this section shall be paid for from the earnings of the Troy and Greenfield Railroad and Hoosac Tunnel. All persons or corporations aggrieved by any award of damages for land so taken shall have a right to trial by jury thereon in manner provided by law in such cases.

SECTION 7. If the station herein provided for shall be located westerly of Clayhill Street, and the county commissioners or selectmen of Greenfield shall lay out a highway or townway for convenience of access thereto, they are hereby authorized with the consent of a majority of the railroad commissioners to take such land of the Connecticut River Railroad Company lying more than fifteen feet westerly of the westerly rail of their main track as may be necessary for such purpose; and the damages for such taking shall be ascertained and paid by the county or town in the manner now provided by law in case of lands taken for highways or townways.

SECTION 8. For the purposes of this act a sum not exceeding nine thousand dollars is hereby appropriated, to be paid from the earnings of the Troy and Greenfield Railroad and Hoosac Tunnel.

SECTION 9. This act shall take effect upon its passage.

Approved May 17, 1878.

[1880, 242.]

[1876, 180.]

Chap. 278 AN ACT to permit the Establishment of a Union Freight Depot in Greenfield.

Be it enacted, etc., as follows :

Union freight depot may be established in Greenfield.

SECTION 1. The manager of the Troy and Greenfield Railroad and Hoosac Tunnel, under the direction of the governor and council, may if the interests of said railroad

require, by agreement with the Connecticut River Railroad Company and the Fitchburg Railroad Company, or other corporation operating the Vermont and Massachusetts Railroad, or either of them, construct or maintain a union freight depot and establish a freight yard upon such portions as the parties and the owners may agree upon of the following described land in Greenfield and Deerfield, to wit: Beginning at the north corner of the wall in the south line of Clayhill Street, opposite the passenger station in said Greenfield; thence running southerly along said wall eighty feet; thence southerly in a straight line to a point situated twenty-five feet distant westerly from the said wall, measuring at right angles thereto, and one hundred and fifty feet from its south end; thence to a point in the east line of Clayhill Street, distant one hundred and eighty feet southerly from the said south end of the wall; thence northerly in the east line of Clayhill Street, about one hundred and seventy-nine feet, to the south line of the land lately purchased by the Troy and Greenfield Railroad Company; thence easterly along said south line, about one hundred and sixty-three and one-half feet, to a point distant forty-two feet westerly at right angles from the centre line of the east main track of the Connecticut River Railroad; thence northerly, and parallel to said main track, five hundred feet; thence northerly two hundred and eighty-seven feet to a point situated four feet distant westerly from the west rail of the Connecticut River Railroad Company's third track from the east; thence northerly, and parallel to said third track, about sixty-nine feet, to the south line of Clayhill Street; thence along said south line of Clayhill Street, about fifty-five feet, to the place of beginning. Also another parcel of land lying south of the above described land, and bounded as follows: On the north by the above parcel of land; on the south by Russell Street; on the east by a line drawn through a point six feet easterly from the south-east corner of land of the Commonwealth above described in a projection of the south line of said land, said line drawn through said point being extended parallel to the present main tracks of the Connecticut River Railroad to Russell Street; and on the west by the "Upper Road," so called, leading from the passenger station of the Connecticut River Railroad to Cheapside.

Description of
land.Description of
land.

SECTION 2. For the purposes of this act, and for other May take land

lying in the highway leading from Greenfield to Deerfield.

May change grade of road.

Title to land to remain in present owners.

Yard and depot to be used in common.

Expenses of yard and depot, to be paid by parties as agreed upon.

railroad purposes, the said manager with the approval of the governor and council may purchase or take any portion of the above described land lying in the highway leading from Greenfield to Deerfield, or in the said Upper Road, under the provisions of law relative to the taking of land for depot and station purposes by railroad corporations, so far as the same may apply; and lands so taken or purchased shall remain the property of the Commonwealth when paid for, notwithstanding the provisions of section five of this act. To establish said yard, and for access thereto of the parties and the public, said manager with the approval of the governor and council and the consent of the county commissioners of Franklin County for a county road, or the selectmen of Greenfield or Deerfield for a townway, is authorized to raise, lower, alter the course of, or otherwise change, said highway or said Upper Road.

SECTION 3. The title to said land now owned by the parties shall remain in the present owners and their assigns, subject to the uses thereof provided for by contracts under this act while they shall remain in force. The said yard and freight depot, if established and constructed as provided in section one, shall be used jointly by the said manager, the corporations now or hereafter operating or using the Troy and Greenfield Railroad or the Vermont and Massachusetts Railroad, and by the Connecticut River Railroad Company; but the main tracks of the Troy and Greenfield Railroad, single or double, shall pass in the described land to the present line of the Vermont and Massachusetts Railroad in a location which may be agreed upon, free of all control of any party except the manager under provisions of law; and the Fitchburg Railroad may locate the main tracks of the Vermont and Massachusetts Railroad, single or double, to connect with said tracks of the Troy and Greenfield Railroad: *provided*, that no corporation not a party to the said agreement shall be compelled by this section to use said yard or depot without their consent.

SECTION 4. The use and arrangement of the tracks and switches of said yard, the management, control, occupation and maintenance of said yard and depot, and the tolls, rents and expenses of and for said yard and depot, and the tracks thereof, to be paid by each party using to the Commonwealth or to each other party, shall be determined or provided for by said agreement; and arbitration as to

questions arising relative thereto may be provided for, but said agreement shall be subject to the provisions of this act.

SECTION 5. No rights shall be gained by virtue of this act, or any contract made under it, in or upon the lands of the Commonwealth or of the Troy and Greenfield Railroad, which may not be terminated at the pleasure of the Commonwealth at any time, but all contracts made under the provisions of this act may be terminated at any time by laws which may be enacted by the general court, without any claim of any party against the Commonwealth for damages or compensation in any event exceeding the actual value of the rights of such party, or the expenditure actually incurred by such party for construction expenses (exclusive of repairs) caused by the establishment of said yard and depot, which expenditure shall not exceed a limit which shall be stated in the original agreement; and in case of such termination, the tracks and location of the Troy and Greenfield Railroad may be relocated as now established by law, and the tracks of the Vermont and Massachusetts Railroad may be relocated to connect with the same.

No rights to be gained upon the lands of the state or of the Troy and Greenfield Railroad.

SECTION 6. For the purposes of this act, a sum not exceeding three thousand dollars is appropriated, to be paid from the earnings of the Troy and Greenfield Railroad and Hoosac Tunnel.

Appropriation from earnings of road.

Approved May 17, 1878.

[1879, 221.]

[1876, 150.]

AN ACT relative to the Troy and Greenfield Railroad in the State of Vermont, otherwise known as the Southern Vermont Railroad, and certain Railroads in Vermont, to be constructed, to connect with the Troy and Greenfield Railroad.

Chap. 279

Be it enacted, etc., as follows:

SECTION 1. Whereas the Troy and Boston Railroad Company, a corporation established under the laws of New York, claim to hold a lease of that portion of the Troy and Greenfield Railroad lying in the state of Vermont, and otherwise known as the Southern Vermont Railroad, by the terms of which lease an annual rental is paid to this Commonwealth; and whereas said railroad is of value as affording access to that part of the Troy and Greenfield Railroad lying in this Commonwealth, and to the Hoosac Tunnel, to and from the state of New York: Now, for the

Troy and Boston Railroad Company may assign to the Commonwealth their lease of the Southern Vermont Railroad.

purpose of affording access to said Troy and Greenfield Railroad and Hoosac Tunnel, the said Troy and Boston Railroad Company are hereby authorized and permitted to assign said lease to this Commonwealth; and thereupon said corporation shall be released and discharged from all obligations not already incurred to the Commonwealth, arising from said lease; but all future obligations of the said corporation under the same shall be assumed by this Commonwealth; and the said Troy and Boston Railroad, and all other railroads, shall be allowed to connect with said Railroad in Vermont at the line of the state of New York, with the same facilities for the use of the Troy and Greenfield Railroad, and for connection for the transportation of freight and passengers, subject to the laws of Vermont, as would be granted to the several railroads if connecting at the state line of Massachusetts: *provided, however,* that if the Troy and Boston Railroad Company shall not, within forty days from and after the passage of this act, deliver to the governor and council, for the benefit of the Commonwealth, a full assignment of said lease, satisfactory in form to the attorney-general, said corporation shall have no authority under this act to make such assignment.

Proviso.

Upon assignment of lease, its value to be determined by commissioners.

Appointment of commissioners.

SECTION 2. If the said Troy and Boston Railroad Company shall assign to the Commonwealth of Massachusetts said lease, and all their rights under the same, within forty days as above provided, an impartial commission of three able and discreet men shall be appointed,—one by the governor, with the advice and consent of the council, one by the Troy and Boston Railroad Company, and the third by the commissioners so selected; and on the failure to appoint the third commissioner for the space of sixty days after the choice of the first two commissioners, then the said third commissioner may be appointed by the supreme court of the state of Vermont, sitting in full bench, or by all the judges of said court acting as individuals. When said commission shall have been appointed they shall proceed to assess and determine the value of the said lease, subject to its rental, and of the rights of the Troy and Boston Railroad Company under the same; but in such assessment and determination it shall be presumed that free charters for additional railroads may be granted by the state of Vermont to connect the Troy and Greenfield Railroad with the railroads of the state of New York;

and the decision of such commissioners must be unanimous and shall in that case be final. The value of the said lease and of the rights of said corporation under the same, determined as provided, shall be paid to the Troy and Boston Railroad Company by the Commonwealth of Massachusetts.

Value to be paid by the Commonwealth.

SECTION 3. If said Troy and Boston Railroad Company shall not assign said lease as above provided, the consent of this Commonwealth is hereby given, so far as the same may be lawful and its title or interest is concerned, to the Boston, Hoosac Tunnel and Western Railway Company, a corporation duly established under the laws of the state of Vermont, to enter upon, and use and locate, construct and maintain, under the laws of the state of Vermont, a railroad upon the rights of way and railroad lands of said Troy and Greenfield Railroad in the state of Vermont, otherwise called the Southern Vermont Railroad, and upon such parts and portions of the same as may be necessary to construct their railroad through the state of Vermont, but not interfering with the main tracks of the present road, nor entering within one rod of said tracks, except as may be necessary for connection with the Troy and Greenfield Railroad at the state line of Massachusetts.

If lease is not assigned, the Boston, Hoosac Tunnel and Western Railway Company may enter upon and use the Southern Vermont Railroad.

SECTION 4. The consent of this Commonwealth referred to in section three shall not be construed to release the Troy and Boston Railroad Company from any obligations they may be under by virtue of said lease, nor to interfere in any way with their rights thereunder, nor to permit the Boston, Hoosac Tunnel and Western Railway Company, or any person, to enter upon, use, locate, construct or maintain a railroad upon the rights of way or railroad lands of said Troy and Greenfield Railroad in the state of Vermont, without payment to the said Troy and Boston Railroad Company of all damages caused thereby to said corporation, and to any rights they may have under said lease, as the same may be assessed under the laws of Vermont for the taking of land and other property for such purposes, nor shall it authorize any eviction of the tenant from any rights under said lease, nor any interference with such rights; but nothing in this act shall be construed to confirm, ratify or validate said lease.

Not to be construed to release Troy and Boston Railroad Company from any obligations or rights under the lease.

SECTION 5. The Boston, Hoosac Tunnel and Western Railway Company of Vermont, shall upon the completion of its road file in the office of the auditor of this Common-

The Boston, Hoosac Tunnel and Western Railway Company of Ver-

mont to file in office of auditor a statement of cost of road.

Commonwealth may purchase roads by paying full cost and ten per cent. interest.

Tolls and charges in case the state possesses the Troy and Greenfield in Vermont, and has not purchased the Boston, Hoosac Tunnel and Western Railway.

To have all rights of connecting roads when continuous line is completed.

wealth a full, accurate and detailed statement of the cost of its road, the same to be duly verified by the oaths of its president and treasurer.

SECTION 6. The Commonwealth of Massachusetts may at any time purchase the railroads and their appurtenances lying in Vermont, located or constructed now or hereafter by the said Boston, Hoosac Tunnel and Western Railway Company, to connect with the Troy and Greenfield Railroad in this Commonwealth, free of all liens, mortgages, leases and conveyances, with all the rights of said corporation and all others to use the same, and all the franchises of said corporation, by paying to said corporation the full cost of said railroads and ten per cent. interest thereon, deducting all dividends paid to stockholders thereon, and net earnings thereof undivided; and thereafter said railroads so purchased shall be operated and controlled, so far as the laws of Vermont will permit, in like manner as the Troy and Greenfield Railroad in this Commonwealth now is or hereafter may be.

SECTION 7. If at any time the Commonwealth of Massachusetts shall become possessed of the said Troy and Greenfield Railroad in the state of Vermont, and shall not have purchased the Boston, Hoosac Tunnel and Western Railway in the state of Vermont, as provided in this act, and said roads shall be operated as independent parallel roads, while the said Troy and Greenfield Railroad in the state of Vermont shall be possessed by this Commonwealth, the freight and passengers which shall be received at the state line of this Commonwealth from the Boston, Hoosac Tunnel and Western Railway, and which shall be carried upon the Troy and Greenfield Railroad in this Commonwealth, shall be free from all tolls and charges which may be imposed upon and for the carriage of freight and passengers upon the said Troy and Greenfield Railroad in the state of Vermont; but tolls and charges for or upon such carriage shall be exacted from its place of delivery at the state line of this Commonwealth.

SECTION 8. Whenever the Boston, Hoosac Tunnel and Western Railway Company of New York, and the Boston, Hoosac Tunnel and Western Railway Company of Vermont, have completed a continuous line of railroad, either by constructing an independent road or by using in part existing roads, from the Hudson River, near Mechanicsville, to the Troy and Greenfield Railroad at the state line

of Vermont and Massachusetts, the Boston, Hoosac Tunnel and Western Railway Company of Vermont, shall be entitled to all the rights and privileges of connecting railroads under chapter seventy-seven of the acts of the year eighteen hundred and seventy-five and all acts of this Commonwealth relating to connecting roads, until said acts shall be changed by the general court.

SECTION 9. Unless the Boston, Hoosac Tunnel and Western Railway Company of New York, and the Boston, Hoosac Tunnel and Western Railway Company of Vermont, shall have completed and opened for use a continuous line of their railroad from Mechanicsville, in the state of New York, to the Troy and Greenfield Railroad at the state line of Vermont and Massachusetts, before the first day of May, eighteen hundred and eighty, all the rights of the Boston, Hoosac Tunnel and Western Railway Company of Vermont under this act shall cease and determine, and all titles of said corporation acquired under the same shall become void, except as saved by further laws of this Commonwealth.

Rights of the Boston, Hoosac Tunnel and Western Railway Company of Vermont to cease unless line is completed before May 1, 1880

SECTION 10. The first and second sections of this act shall take effect upon its passage; and the remaining sections shall take effect whenever the Boston, Hoosac Tunnel and Western Railway Company of Vermont, shall file in the office of the secretary of this Commonwealth a valid and effective agreement, ratified by a vote of its stockholders, and satisfactory to the attorney-general, to accept the same, and that all the terms and conditions therein named shall be complied with: *provided*, such agreement shall be so filed within forty days of the passage of this act, and said agreement shall be recorded in the town clerk's office of the town of Pownal, in the state of Vermont.

When to take effect.

Proviso.

Approved May 17, 1878.

AN ACT providing for the Submission to Arbitration of the Demands of George Clapp and Frederick K. Ballou against the Commonwealth.

Chap. 281

Be it enacted, etc., as follows:

SECTION 1. The harbor commissioners of the Commonwealth are hereby authorized to sign and acknowledge before a justice of the peace, in the name and behalf of the Commonwealth, an agreement with George Clapp and Frederick K. Ballou, both of Boston in the county of Suffolk, copartners under the style of Clapp and Ballou,

Demands against the Commonwealth to be submitted to arbitration.

to be signed and acknowledged before a justice of the peace by said Clapp and Ballou, for the submission of the demands of said Clapp and Ballou against the Commonwealth in their own original right, and as the assigns, of the Rockport Granite Company of Massachusetts, heretofore presented to the governor and council, to the determination of Dwight Foster of Boston in the county of Suffolk, Charles U. Cotting of Brookline in the county of Norfolk and Jonathan A. Lane of said Boston as arbitrators, the unanimous award of whom being made and reported within one year from the passage of this act to the supreme judicial court for the county of Suffolk, the judgment of said court thereon shall be final; and said agreement of submission may provide that the arbitrators shall determine by whom the costs and expenses of such arbitration shall be borne, and determine all questions of costs, and subject to approval and allowance by said court, the fees of the arbitrators.

Award of arbitrators.

SECTION 2. The award of said arbitrators made and returned to the supreme judicial court for the county of Suffolk as provided in this act, may be acted on by said court or any justice thereof in term time or in vacation, and said court may accept, or reject, or recommit said award, or take such other action concerning the same as the court may take in relation to awards of arbitrators made under the one hundred and forty-seventh chapter of the General Statutes, reserving to either party the right of appeal from the decision of a single justice upon any matter of law.

Upon entry of judgment upon award, governor to draw warrant for the amount.

SECTION 3. Upon the entry of final judgment upon said award by said court or any justice thereof as herein before provided, the governor shall draw his warrant for the amount, if any, which said Clapp and Ballou shall be found entitled to recover of said Commonwealth; and the same shall be paid to said Clapp and Ballou out of the treasury of the Commonwealth.

Vacancy in board of arbitrators.

SECTION 4. In case any vacancy shall occur by reason of the death, resignation or disability of any arbitrator, or other cause, his place may be supplied by any person whom the said Clapp and Ballou, or the survivor of them, and the harbor commissioners of the Commonwealth may in writing agree upon; and thereupon the arbitration shall proceed, and the award shall have the same effect and validity as though such substituted arbitrator had

been originally named as such in the agreement of submission.

SECTION 5. This act shall take effect upon its passage.

Approved May 17, 1878.

[1879, 215.]

AN ACT to provide Additional Pay to Poor and Indigent Soldiers and Sailors.

Chap. 282

Be it enacted, etc., as follows :

SECTION 1. Every city and town in which any soldiers or sailors reside, who have served in the army or navy of the United States to the credit of this Commonwealth, and been honorably discharged therefrom, and are not entitled to admission to any national soldiers' home, and who are poor and indigent and stand in need of relief, shall raise money by taxation or otherwise, and as further compensation for such service shall under the direction of its mayor and aldermen or selectmen pay to such soldiers or sailors or if deemed best expend therefor, such necessary sum of money as will furnish them reasonable relief or support ; and no such soldier or sailor shall be required to receive such relief or support in any almshouse or in any public institution unless he chooses to do so, or his physical or mental condition requires it ; and all sums of money so paid out or expended shall be reimbursed by the Commonwealth to such city or town in the manner state aid is now reimbursed. And any such soldier or sailor requiring full support may select the place where he will be supported : *provided*, the cost of such support at the place selected shall not exceed the fair average cost of reasonable support for persons of like degree in life, in such city or town ; and any city or town violating any of the provisions of this act shall be liable in an action of contract to any persons furnishing such relief or support, after written notice to such mayor or selectmen that the same is to be furnished.

Aid for poor soldiers and sailors.

Reimbursement to cities and towns.

SECTION 2. It shall be the duty of the surgeon-general of the Commonwealth to inquire as to the number of indigent soldiers or sailors now receiving public aid throughout the Commonwealth, and include in his next annual report such facts as he may gather in regard to the condition and necessities of such persons.

Surgeon-general to inquire into number of soldiers and sailors now receiving public aid.

SECTION 3. This act shall take effect upon its passage.

Approved May 17, 1878.

[Repealed 1879, 1.]

CHANGE OF NAMES OF PERSONS.

In compliance with the 14th section of the 110th chapter of the General Statutes, returns of the following Changes of Names have been received at the Department of the Secretary of the Commonwealth, as decreed by the several Judges of the Probate Courts, in their respective Counties:—

SUFFOLK COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1877.			
Jan. 8, .	Cora Estella Carter,*	Cora Estella Powers,	No. Conway, N.H.
8, .	Willie Wallace Lewis,	Willie Wallace Lunt,	Boston.
22, .	Marcia Harris Clarke,*	Nellie May Sunbury,	Portland, Me.
22, -	Alice Dunbar Coe,*	Alice Dunbar Heustis,	Boston.
22, .	Nettie Maria Ferrell,*	Nettie Maria Battelle,	Chelsea.
27, .	Georgina Scott Page,*	Jessie Anna Prescott,	Boston.
29, .	Florence Royle Smith,*	Florence Delano Howland,	Boston.
Feb. 19, .	Daniel P. Walker,*	Daniel Walker Brintnall,	E. Wakefield, N.H.
26, .	James Quinn,*	Jerome Buonaparte Look,	Athol, Wor'ster Co.
Mar. 5, .	Joseph Killey,*	Joseph Dolan,	Boston.

CHANGE OF NAMES.

349

Mar. 5, .	Thomas Riley,*	.	.	.	Thomas Dolan,	.	Boston.
5, .	Edward Riley,*	.	.	.	Edward John McCauley,	.	Boston.
19, .	Frank Wright,*	.	.	.	Frank Wright Hawes,	.	Abington, Plym-
28, .	John Francis Walch,*	.	.	.	John Francis Martin,	.	outh Co.
Apr. 2, .	— — — — —,*	.	.	.	Jennie May Twiss,	.	Boston.
2, .	Mary Jane McNabb,	.	.	.	Mary Wright,	.	Chelsea.
9, .	Edward Walter Allen,*	.	.	.	Edward Walter Kitchen,	.	Boston.
23, .	Ada Fisher,*	.	.	.	Ada Fisher Laurence,	.	Boston.
23, .	George Augustus Piper,	.	.	.	George Augustus Raymond,	.	Boston.
30, .	Frank A. Smith,	.	.	.	Frank A. Locke,	.	Boston.
30, .	James Stewart Kibbey,	.	.	.	James Stewart King,	.	Boston.
May 21, .	John O'Neal,	.	.	.	John Neal,	.	Boston.
28, .	Joseph John Liever,	.	.	.	Joseph John Todd,	.	Boston.
June 25, .	Mabelle Louise Frye,	.	.	.	Mabelle Louise Southwick,	.	Boston.
July 2, .	Maria Frances Welch,*	.	.	.	Maria Frances Emerson,	.	Swampscott, Essex
9, .	Clara Angeline Murphy,*	.	.	.	Clara Angeline Hadley,	.	Co.
9, .	Frederick Weeks,*	.	.	.	Frederick Joseph Shields,	.	Lynn, Essex Co.
16, .	Elizabeth Mason,*	.	.	.	Theresa Pauline Smith,	.	Boston.
30, .	Emily Kronenwirth,*	.	.	.	Emily Schuth,	.	Boston.
		.	.	.		.	Somerville.

* Names changed by reason of adoption.

SUFFOLK COUNTY — *Concluded.*

Date of Decree.	Original Name.	Name Decreed.	Residence.
1877.			
Aug. 6.	Frederick S. Howard,*	Frederick S. Fowler,	Boston.
Sept. 8.	Henry Wallace Green,*	Henry Wallace Sargent,	Cotuit, Barnstable Co.
10.	Charles Wheeler Clark,*	Frederick Henry Weld,	Boston.
Oct. 8.	Elizabeth McNulty,	Elizabeth Burns,	Boston.
8.	James McNulty,*	James Burns,	Boston.
8.	Mary T. McNulty,*	Mary T. Burns,	Boston.
8.	Ellen McNulty,*	Ellen Burns,	Boston.
8.	Charlotte Hartshorn,*	Elizabeth Gray Cabot,	Barnstable, Penn.
8.	Ellen Maud Mallon,*	Harriet Maud Day,	Boston.
29.	——— ———,*	Florence Pearl Garland,	Boston.
29.	Jessie Agnes McGregor,*	Mabel Parkington,	Boston.
29.	John Morgan,*	Frederic Douglas Hall,	Boston.
29.	William Roche,	Charles Christopher Grover,	Boston.
Nov. 5.	George Frellick,*	Arthur Lane Sampson,	Boston.
5.	Henry Byron Means,*	Henry Means Bowles,	Boston.
5.	Francis Joseph McWill,*	Francis Henry Blair,	Boston.

CHANGE OF NAMES.

351

Nov. 12, .	Frank Meek,*	.	.	.	Frank Washington Barrows,	.	Boston.
12, .	Rollin Thorne Hayden,	.	.	.	John Ellerton Vaseall Hayden,	.	Boston.
19, .	Susie Laura Tucker,*	.	.	.	Susie Caroline Nason, .	.	Lawrence, Essex Co.
26, .	Annie Laura Staple,*	.	.	.	Laura Elliot Cunningham,	.	Boston.
26, .	Charles Henry Hall,*	.	.	.	Charles Frederic Gustin,	.	Boston.
26, .	Emma Corliss Partlow,*	.	.	.	Emma Isabella Nichols,	.	Boston.
Dec. 3, .	Maria Gertrude McDonald,*	.	.	.	Blanche Emily Moulton,	.	Boston.
3, .	Mary Tolles Edgerton,*	.	.	.	Adelia Landon, .	.	Boston.
10, .	Bradford Gibbs, .	.	.	.	Franklin Bradford Gibbs,	.	Boston.
17, .	John Henry Bobaker,	.	.	.	John Henry Bowker, .	.	Boston.
31, .	Abby Budson,*	.	.	.	Mabel St. Armand Stone,	.	Boston.
31, .	Caroline Amelia Wait,*	.	.	.	Lottie McLean, .	.	Boston.
31, .	Julia Wood,*	.	.	.	Ida Gertrude Norton, .	.	Boston.

ESSEX COUNTY.

Feb. 5, .	Nellie Flynn,*	.	.	.	Nellie Flynn Quarters, .	.	Lynn.
5, .	George McVane,*	.	.	.	Frank Malcolm Vella, .	.	Lynn.
Mar. 19, .	Annie Ellen Connors,*	.	.	.	Annie Ellen Wilkinson,	.	Lawrence.

* Names changed by reason of adoption.

ESSEX COUNTY — *Concluded.*

Date of Decree.	Original Name.	Name Decreed.	Residence.
1877.			
Mar. 21, .	Aaron Hill Ethridge, .	Walter Hill Ethridge, .	Salem.
Apr. 30, .	Clarence Eugene Ramsden, .	Clarence Eugene Robinson, .	Lawrence.
May 8, .	Clarence Waters Jenkins, .	Lawrence Waters Jenkins, .	Salem.
28, .	Sarah Thurston Osgood,*	Sarah Elizabeth Thurston, .	Amesbury.
June 11, .	Alfred Thorndike Lee,*	Lewis Thorndike Armstrong,	Lynn.
25, .	—— Alden,* . . .	Charles Melvin Hoyt, . . .	Newburyport.
July 9, .	James Henry Smith,* .	James Henry Lofin, . . .	Salem.
9, .	Eva Maud Wilde,* . .	Eva Maud Hubbard, . . .	Georgetown.
9, .	John Joseph Withy, . .	John Withy Bell, . . .	Andover.
11, .	Lydia Thompson, . . .	Lydia Messervey, . . .	Marblehead.
16, .	Ida May Jones,* . . .	Ida May Butterfield, . .	Lawrence.
23, .	Charles Augustus Robinson,*	Charles Augustus Lanzey, .	Lynn.
Sept. 10, .	Frederick Coveney,* . .	Charles Frederick Greenleaf,	Lawrence.
15, .	Eva Dalrymple, . . .	Eveline Creesy, . . .	Salem.
Oct. 22, .	Sadie Victoria Squires,*	Gertrude Clifton Austin, .	Gloucester.
Nov. 12, .	Florence Mabel Smith,*	Alice Sargent Haskell, . .	Beverly.

Nov. 12, .	Enoch Howard Stacy,*	. . .	Enoch Howard Butler, .	. . .	Bradford.
Dec. 8, .	Herbert S. Palmer,*	. . .	Herbert S. Cushman, .	. . .	Somerville.
17, .	Catherine Connelly,*	. . .	Catherine Healey, .	. . .	Lynn.
17, .	Laura May Hunt,*	. . .	Laura May Hunt Deland,	. . .	Salem.

2

MIDDLESEX COUNTY.

Jan. 9, .	Mary Elizabeth Cragen,	. . .	Bertha Crane Stone,	. . .	Newton.
16, .	Mary Etta O'Neil,	. . .	Mary Etta Harris,	. . .	Lowell.
16, .	Carrie Edna Jones,	. . .	Carrie Edna Russell,	. . .	Lowell.
16, .	Dora Bell Jones,	. . .	Dora Bell Russell,	. . .	Lowell.
16, .	George Hall Jones,	. . .	George Hall Russell,	. . .	Lowell.
23, .	Abbie Frances Hall,	. . .	Abbie Frances Dennison,	. . .	Cambridge.
Feb. 27, .	Carlotta Mann,	. . .	Carlotta Thompson,	. . .	Lowell.
Mar. 13, .	Elizabeth Mary Tully,	. . .	Elizabeth Mary Crosby,	. . .	Billerica.
27, .	Gertrude Ellis,	. . .	Clara Rebecca Robinson,	. . .	Lexington.
27, .	Katie E. Felch,	. . .	Evelyn Katie Waters,	. . .	Newton.
27, .	Rachel Scott,	. . .	Rachel Wagner,	. . .	Maynard.
Apr. 3, .	Nellie Anderson	. . .	Ella Moulton,	. . .	Cambridge.

* Names changed by reason of adoption.

MIDDLESEX COUNTY — *Concluded.*

Date of Decree.	Original Name.	Name Decreed.	Residence.
1877.			
Apr. 8, .	Minnie May Bodwell, .	Daisy Affelhof, .	Malden.
8, .	Sarah Lee Bartlett Ryan, .	Sarah Lee Bartlett, .	Cambridge.
10, .	Annie E. Connor, .	Annie Elizabeth Connor Baker, .	Malden.
10, .	Charles Dexter Boutelle, .	Charles Dexter Appleton, .	Cambridge.
24, .	Augustus Bernard Carter Berg, .	Edgar Francis Viles, .	Waltham.
May 1, .	Mary E. Young, .	Mary Elizabeth Bickford, .	Sherborn.
8, .	Emma Louise Ashton, .	Emma Louise Blood, .	Natick.
June 5, .	Carrie Alger, .	Carrie Shattuck, .	Townsend.
26, .	Walter Clark Macy, .	Walter Emerson, .	Melrose.
July 24, .	Effie Abbie Cross, .	Effie Abbie Bailey, .	Cambridge.
24, .	Florence Sibyl Wyman, .	Ina Florence Wiggins, .	Stoneham.
Sept. 25, .	Grace Horton McCleary, .	Susan Grace Horton, .	Chelsea.
Oct. 2, .	Charles Henry Belgea, .	Charles Henry Bemis, .	Stow.
9, .	Margaret Sears, .	Maud Berdine Hodgdon, .	Somerville.
9, .	Bertha Grace, .	Jennie Kimball Jewett, .	Malden.
9, .	James Arthur Bradshaw, .	James Arthur Doyle, .	Cambridge.

CHANGE OF NAMES.

355

Oct. 23, .	Susan Maria Chamberlain, .	Nettie Coffin, .	Winchester.
28, .	Marnie Burns, .	Marnie Lincoln, .	Somerville.
28, .	Stella E. Beaman, .	Stella E. Reed, .	Westford.
Nov. 6, .	Adeline Hackett, .	Edith Helen Poole, .	Waltham.
6, .	Grace Johanson, .	Grace Buzzell, .	Everett.
6, .	Chevletta Francis Thomas, .	Mabel Blanch Atwood, .	Lowell.
18, .	Annie Cunningham, .	Gracie Edna Chapin, .	Lowell.
20, .	Edith Marion Wetherbee, .	Edith Marion Wetherbee Spaulding, .	Dunstable.
20, .	Grace Welch, .	Gracie Annie Felch, .	Lowell.
20, .	Alice Blodgett, .	Gertrude Boynton Hayward, .	Somerville.
27, .	Robert Henry Hannah, .	Robert George Simmons, .	Woburn.
Dec. 4, .	Estha Valentine Wiggin, .	Helen Maria Eastman, .	Melrose.
4, .	Emma Florence Davis, .	Gertrude May Davis, .	Lowell.
11, .	Woodbury Wallace Sweeney, .	Woodbury Wallace Smith, .	Wakefield.
11, .	Francenia H. Pratt, .	Francenia H. Jackson, .	Waltham.
11, .	William Albert Pratt, .	William Albert Jackson, .	Waltham.
11, .	Anna Francenia Pratt, .	Anna Francenia Jackson, .	Waltham.
11, .	Ida May Pratt, .	Ida May Jackson, .	Waltham.

WORCESTER COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1877.			
Jan. 16, .	— — — — —, .	Maud Eliza Wilder, .	Sterling.
16, .	— — — — —, .	Ernest Warren Howe, .	West Boylston.
16, .	Emma E. Hastings, .	Emma Hastings Gladwin, .	Worcester.
16, .	Charles Edwin Chamberlain,	Charles Edwin Chamberlain Marble,	Sutton.
Feb. 6, .	Walter Henry Barrell, .	Walter Henry Wallace, .	Winchendon.
6, .	Mary Jane Rivers, .	Mary Jane Blair, .	West Boylston.
Mar. 20, .	H. Norman Grover, .	Norman Grover Smith, .	Westborough.
20, .	Maud Clary, .	Emily Louisa Harper, .	Dudley.
20, .	John Herbert Whitney, .	John Herbert Hapgood, .	Leominster.
20, .	Oscar Paine Ellison, .	Oscar Paine Chase, .	Northbridge.
Apr. 17, .	George W. Wright, .	Oscar Frederick Ball, .	Holden.
17, .	Lydia Adelaide Robinson,	Bertha Adelaide Willard, .	Harvard.
May 1, .	George Edgar, .	George Edgar Heald, .	Southbridge.
1, .	Rosa E. Elliott, .	Rosa Elmira Elliott Aldrich, .	Oxford.
June 5, .	Hattie Francena Clemans, .	Alice Maria Holman, .	Westborough.
5, .	Joseph H. Whalon, .	Joseph Henry Lashna, .	Ashburnham.

June 5, .	Charles M. Whalon, .	Charles Moses Stainbridge, .	Fitchburg.
5, .	Harriet Louisa Landers, .	Harriet Louise Landers Jeffers, .	Milford.
19, .	Flora Augusta Sherman, .	Flora Augusta Johnson, .	Worcester.
July 17, .	William Dyer, .	William Dyer Sullivan, .	Leominster.
17, .	Minnie Adams, .	Lillie Adams Rand, .	Clinton.
Sept. 4, .	Lillie Adams Rand, .	Susan Permelia Smith, .	Clinton.
4, .	Charlotte Amanda Landers, .	Charlotte Amanda Mackowan, .	Milford.
18, .	Cyrus Bertram Combs, .	Cyrus Bertram Black, .	Princeton.
Oct. 2, .	Gertrude M. Farrar, .	Gertrude M. Fletcher, .	Lancaster.
Nov. 6, .	Agnes P. Bohonan, .	Lillian Agnes Willard, .	Fitchburg.
20, .	Arlon Jason Moore, .	Arlon Jason Jeffers, .	Northbridge.
20, .	Emma L. Farwell, .	Gracie Emma Hutchinson, .	Fitchburg.

HAMPSHIRE COUNTY.

Jan. 9, .	Bertha H. Maurer,*	Bertha H. Baker, .	Amherst.
9, .	Herbert Holden,*	Herbert P. Bardwell, .	{ Northampton (Florence).
Feb. 6, .	Walter S. Hodge,*	Walter F. Gaylord, .	Amherst.

* Names changed by reason of adoption.

HAMPSHIRE COUNTY—Concluded.

Date of Decree.	Original Name.	Name Deceased.	Residence.
1877.			
July 8, .	Annie O. Donnell,*	Annie Fahey,	Northampton.
Dec. 5, .	Grace E. Chester,*	Grace Evelyn Dyer,	Plainfield.
5, .	Mabel Scott,*	Jennie Mabel Sears,	Plainfield.

HAMPDEN COUNTY.

Jan. 2, .	Minnie Elizabeth Goodrich,*	Minnie Estelle Henry,	Wales.
Feb. 6, .	Carl M. Townsend,*	Carl Standish Meacham,	Chicopee.
June 5, .	Lewis Raymond Bucklin,*	Louis Raymond Miller,	Springfield.
Sept. 4, .	Kate Fitzgerald,*	Kate Hayes,	Springfield.
4, .	George Avery Burbank,*	George Avery Butterfield,	Springfield.
4, .	Emily Etta Miller,*	Etta Miller Kelly,	Chicopee.
21, .	Ella Louise Freeborn,*	Edith Ella Abbott,	Holyoke.
Oct. 2, .	Lillie A. Frohlick,*	Lillie A. Miller,	Westfield.
Nov. 7, .	Susie Aloney Benson,*	Susie Aloney Wilbur,	Springfield.

Nov. 22, .	Dennis Mahoney, .	. . . .	William Dennis Mahoney, .	. . . .	Palmer.
Dec. 4, .	Henry Taylor,*	. . . .	Henry Taylor Moran, .	. . . .	Wilbraham.

FRANKLIN COUNTY.

May 22, .	George Weaver,*	. . . .	Charles W. Amidon, .	. . . .	Montague.
Dec. 4, .	James M. Sweeney,	. . . .	James M. Duncan, .	. . . .	Shelburne.

BERKSHIRE COUNTY.

Jan. 4, .	Clarence Daniels, .	. . . .	Clarence Daniels Mallery, .	. . . .	New Ashford.
Mar. 13, .	Maud Elizabeth Mullins,	. . . .	Maud Elizabeth Farrar, .	. . . .	Lee.
May 1, .	George Benoit, .	. . . .	George Benoit Gordon, .	. . . .	Washington.
1, .	Nicholas Paddock,	. . . .	Nicholas Carpenter, .	. . . .	Stockbridge.
1, .	Lizzie Mason, .	. . . .	Lizzie Carpenter, .	. . . .	Stockbridge.
June 5, .	William Henry Sanders,	. . . .	William Henry Sanford,	. . . .	Pittsfield.
Sept. 4, .	Bertha Watson, .	. . . .	Bertha Watson Young, .	. . . .	Lee.
4, .	Theodore Pomeroy Whittelsey,	. . . .	Theodore Pomeroy Whittelsey Power, .	. . . .	Pittsfield.
4, .	Charles Whittelsey,	. . . .	Charles Whittelsey Power, .	. . . .	Pittsfield.

* Names changed by reason of adoption.

BERKSHIRE COUNTY — Concluded.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1877.			
Oct. 2, .	Adelia Sarah Dickinson, . . .	Sarah Emily McCarthy, . . .	Pittsfield.
Nov. 7, .	Lettie Bell Lewis, . . .	Lettie Bell Carpenter, . . .	Pittsfield.
7, .	Thomas Kidd, . . .	Thomas Charles Hahneman, . . .	Pittsfield.
Dec. 5, .	Grace Mason, . . .	Grace Yale, . . .	Stockbridge.

NORFOLK COUNTY.

Jan. 24, .	Anna H. Fisher,* . . .	Anna H. Ware, . . .	Wrentham.
Feb. 28, .	Mary Alice Thomas Roach,* . . .	Carrie Milton Tucker, . . .	Milton.
28, .	Roy Sumner Smith,* . . .	Roy Sumner Paine, . . .	Foxborough.
Apr. 11, .	Walter John Welsh,* . . .	Walter John Hade, . . .	Quincy.
May 16, .	Mary Elizabeth Pierce,* . . .	Sadie Frances Dodge, . . .	Medfield.
June 20, .	— — — — Snell,* . . .	Ellis Gilbert Simpson, . . .	Needham.
20, .	Grace Howell Smith,* . . .	Grace Howell Pond, . . .	Norwood.
July 25, .	Clara Amelia Howard,* . . .	Clara Amelia Johnston, . . .	Hyde Park.
Nov. 7, .	Lillian Bryant,* . . .	Hope Beatrice Hayes, . . .	Brookline.

Nov. 14, .	Nellie Hutchinson,*	.	.	.	Nellie Webb Allen,	.	.	Braintree.
Oct. 3, .	Caroline Elizabeth Cheetham,*	.	.	.	Caroline Elizabeth Southwick,	.	.	Needham.
Dec. 19, .	Johanna Bates Bramble,*	.	.	.	Mabel Bates Burt,	.	.	Milton.
BRISTOL COUNTY.								
Jan. 5, .	Rachel Cartledge, .	.	.	.	Rachel Crighton, .	.	.	Fall River.
12, .	Ada Medora Carrier, .	.	.	.	Ada Medora Leonard, .	.	.	Taunton.
Feb. 2, .	William Mitchell, .	.	.	.	William Mitchell Briggs,	.	.	Fall River.
Mar. 30, .	Eldo Alden Hackett, .	.	.	.	Eldora Alden Hathaway,	.	.	Taunton.
Apr. 6, .	Sarah Crowther, .	.	.	.	Lena J. Peirey, .	.	.	Fall River.
20, .	Jennie Geagan alias Galligan, .	.	.	.	Ella Jane Mattison, .	.	.	Fall River.
May 11, .	Mary S. S. Robinson, .	.	.	.	Mary S. S. Thomas, .	.	.	New Bedford.
25, .	Mary Ann McIntire, .	.	.	.	Cornelia Swift Aiken, .	.	.	Westport.
June 15, .	Sarah Maria Walker, .	.	.	.	Sarah Maria Cooley, .	.	.	Taunton.
July 13, .	Welcome Square Leonard, .	.	.	.	Welcome Square Borden,	.	.	Westport.
Aug. 3, .	Catherine Lowe Hankerson, .	.	.	.	Elizabeth Lowe, .	.	.	New Bedford.
Nov. 2, .	James E. Crowther, .	.	.	.	Alfred E. Rainford, .	.	.	New Bedford.
2, .	Mary Hannah Crowther, .	.	.	.	Mary Hannah Higham,	.	.	New Bedford.

* Names changed by reason of adoption.

BRISTOL COUNTY — *Concluded.*

Date of Decree.	Original Name.	Name Decreed.	Residence.
1877.			
Nov. 2, .	Charles Delano,	Charles Ezra Potter Delano,	New Bedford.
23, .	Margaret Ann McKenzie,	Margaret Ann McPhee,	Attleborough.
30, .	Nellie A. Hall,	Nellie A. Hopkins,	Norton.

PLYMOUTH COUNTY.

Jan. 8, .	Mary I. Costello,*	Mary Isabella Clifford,	Kingston.
22, .	Estella W. Pratt,*	Ella Pratt Stone,	Carver.
Feb. 12, .	Samuel W. Bibley,*	George Heance,	Plymouth.
Apr. 9, .	Etta Brown,*	Ellen Thayer Bourne,	Marshfield.
June 25, .	Unnamed,*	Marion Whiton Sprague,	Hingham.
Sept. 10, .	Lucy F. Vail,*	Sarah Palmer Stone,	Carver.
Oct. 15, .	Selina Seldin,*	Selina Haldin,	Brockton.
15, .	Barnabas Clark Ellis,	Clark Ellis,	Plymouth.
Nov. 12, .	Ira F. Hackett,*	Ira F. Hathaway,	Wareham.
26, .	Moritz Krane,*	Warren N. Landers,	Brockton.

Dec. 10, .	Anna E. Lucas,*	.	.	.	.	Anna E. Dunham,	.	.	Plymouth.
10, .	Idella Dean Almy,*	.	.	.	.	Grace Idella Robbins,	.	.	Carver.
24, .	Lillian Adelaide Patterson,*	.	.	.	.	Lillian Adelaide Gayner,	.	.	Brockton.

BARNSTABLE COUNTY.

Feb. 13, .	Clarence Austin Smith,	.	.	.	Clarence Austin Cook,	.	.	.	Provincetown.
May 14, .	Edward Grant Wixon,	.	.	.	Remark E. Wixon,	.	.	.	Dennis.
June 19, .	Thomas W. Easterbrooks,	.	.	.	Thomas Smith Easterbrooks,	.	.	.	Barnstable.
Oct. 22, .	Otis E. Hawes,	.	.	.	Otis E. Kelley,	.	.	.	Dennis.

* Names changed by reason of adoption.

1879.

[1877, 192 ; 1878, 282.]

Chap. 1 AN ACT to repeal the Law to provide Additional Pay to Poor and Indigent Soldiers and Sailors.*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows :*State aid to soldiers and sailors.
Repeal, 1878, 282.

SECTION 1. Chapter two hundred and eighty-two of the acts of the year eighteen hundred and seventy-eight, except so much thereof as relates to the reimbursement by the Commonwealth to cities and towns of sums of money heretofore paid by them under said chapter, to the manner of such reimbursement, and to the liability which any city or town may have incurred for relief or support heretofore furnished by any person, is hereby repealed.

SECTION 2. This act shall take effect upon its passage.

Approved January 22, 1879.

[1879, 252, 301 ; 1881, 26.]

[1867, 251 ; 1869, 61, 338 ; 1870, 152 ; 1872, 249 ; 1873, 238.]

Chap. 3 AN Act in addition to An Act establishing the City of Haverhill.*Be it enacted, etc., as follows :*

Mayor elected by a plurality of votes.

SECTION 1. In all elections for mayor of the city of Haverhill the person receiving the highest number of votes therefor shall be declared elected.

Seven members in the board of aldermen ; one to be elected at large.

SECTION 2. The board of aldermen of the city of Haverhill shall consist of seven members, one of whom shall be chosen annually from and by the qualified voters of the city at large, and the others as now provided by law ; and at any time after the acceptance of this act, as hereinafter provided, the board of aldermen of said city may issue a warrant for the election of one additional member of said board by the qualified voters of the city at large, to serve until the expiration of the present municipal year.

Vacancy in

SECTION 3. Whenever a vacancy shall occur in the

office of assistant assessor of the city of Haverhill, the city council shall in convention, on joint ballot, elect a person to fill such vacancy.

office of assistant assessor to be filled by joint ballot.

SECTION 4. This act, or any section or sections thereof, shall take effect upon the same being accepted by a two-thirds vote of each branch of the city council of said city of Haverhill, present and voting thereon, but shall be void unless so accepted within sixty days after its passage.

Subject to acceptance by the city council.

SECTION 5. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Repeal.

Approved January 30, 1879.

[Accepted February 11, 1879.]

AN ACT to change the Name of the Litchfield Shuttle Company of Southbridge.

Chap. 9

Be it enacted, etc., as follows:

SECTION 1. The name of The Litchfield Shuttle Company of Southbridge is hereby changed to The Litchfield Shuttle Company.

Name changed.

SECTION 2. This act shall take effect upon its passage.

Approved February 3, 1879.

[1876, 164.]

AN ACT to authorize the Middlesex Central Railroad Company to cross Certain Land of the Commonwealth in the Town of Concord.

Chap. 10

Be it enacted, etc., as follows:

SECTION 1. The Middlesex Central Railroad Company may construct and maintain its railroad across the land in Concord, owned by the Commonwealth, which is within the limits of the location of the railroad of said company, as filed and recorded with the county commissioners for the county of Middlesex, upon such terms and conditions, and for such compensation, as may be prescribed by the county commissioners for said county.

May construct road across land of Commonwealth in Concord.

SECTION 2. This act shall take effect upon its passage.

Approved February 4, 1879.

AN ACT to annex a Part of the Town of Andover to the City of Lawrence.

Chap. 11

Be it enacted, etc., as follows:

SECTION 1. All that part of the town of Andover, with the inhabitants and estates therein, comprised within the following described lines, to wit:—

Part of the town of Andover annexed to the city of Lawrence.

Part of Andover
annexed to Law-
rence.

Beginning at an existing monument on the present boundary line between Lawrence and Andover, about thirty feet easterly of the easterly side line of Chickering Street, thence running south-easterly in a straight line about forty-seven hundred and eighty feet to the intersection of the present boundary line between Andover and North Andover with the northerly side line of Railroad Street, containing about thirty-six acres, is hereby set off from the town of Andover, and annexed to the city of Lawrence.

SECTION 2. This act shall take effect upon its passage.

Approved February 4, 1879.

[1874, 61.]

Chap. 12 AN ACT to amend Chapter Sixty-one of the Acts of the Year Eighteen Hundred and Seventy-four, entitled "An Act to incorporate the Boston Protective Department."

Be it enacted, etc., as follows:

Boston Protec-
tive Depart-
ment—
Amendment to
1874, 61, § 4.

SECTION 1. Section four of chapter sixty-one of the acts of the year eighteen hundred and seventy-four is hereby amended by adding, after the word "Massachusetts," in the last line thereof, the words, "*provided*, that the premiums received for insuring buildings shall be subject to but one-half of the rate of assessment laid on premiums received for insuring other property."

Amendment to
1874, 61, § 5.

SECTION 2. Section five of said act is hereby amended by striking out the word "property" in the seventh line thereof, and inserting in place thereof the words "buildings, and of the aggregate amount of premiums received for insuring other property."

SECTION 3. This act shall take effect upon its passage.

Approved February 4, 1879.

Chap. 15 AN ACT to annex a Part of the Town of North Andover to the City of Lawrence.

Be it enacted, etc., as follows:

Part of town of
North Andover
annexed to the
city of Law-
rence.

SECTION 1. All that part of the town of North Andover, with the inhabitants and estates therein, comprised within the following described lines, to wit:—

Beginning at the intersection of the present boundary line between Lawrence and North Andover with the easterly side line of Salem Turnpike, so called, thence running south-easterly about twenty-two hundred and seventy feet on said easterly side line of Salem Turnpike to its inter-

section with the northerly side line of Railroad Street, so called, thence running south-easterly about ten hundred and fifty feet on said northerly side line of Railroad Street to its intersection with the present boundary line between North Andover and Andover, containing about one hundred and six acres, is hereby set off from the town of North Andover, and annexed to the city of Lawrence.

SECTION 2. This act shall take effect upon its passage.

Approved February 4, 1879.

AN ACT to authorize the Proprietors of Harvard Chapel to sell Real and Personal Estate.

Chap. 17

Be it enacted, etc., as follows:

SECTION 1. The Harvard Chapel, a religious corporation, in that part of Boston formerly called Charlestown, is hereby authorized to sell and convey all its real estate and personal property, and to use the proceeds thereof, after paying the debts of said society, as shall be decreed by the supreme judicial court sitting in equity, upon proper application thereto.

Harvard Chapel may sell real and personal estate.

Proceeds to be applied under decree of S.J.C.

SECTION 2. Said society may, after the disposal of all its corporate property and estate, and the payment and discharge of all debts outstanding against it, dissolve itself and cease to hold any corporate powers.

Corporation may be dissolved after payment of debts.

SECTION 3. This act shall not take effect, unless accepted by a vote of two-thirds of the members of said society present and voting thereon, at a legal meeting called for that purpose.

Subject to acceptance by the society.

Approved February 7, 1879.

[1807, 62; 1821, 71; 1835, 23; 1870, 41.]

AN ACT relative to the Massachusetts Baptist Convention.

Chap. 18

Be it enacted, etc., as follows:

SECTION 1. So much of chapter sixty-one of the acts of the year eighteen hundred and eight, entitled "An Act to incorporate the members of a society by the name of the Baptist Missionary Society in Massachusetts," as restricts said society, now known as the "Massachusetts Baptist Convention," as to the names and manner of electing its officers, is hereby repealed.

Mass. Baptist Convention. Election of officers.

SECTION 2. This act shall take effect upon its passage.

Approved February 7, 1879.

[W., 1857, 227; 1861, 18; 1862, 191. L. & B., 1859, 202; 1861, 4; 1862, 192; 1863, 36; 1865, 184; 1868, 2, 309, 335; 1870, 324; 1871, 132; 1873, 216.]

Chap. 19 AN ACT to extend the Charter of the Winnisimmet Railroad Company, with Power to alter present Lease or make a new one.

Be it enacted, etc., as follows:

Charter extended without limitation of time.

SECTION 1. So much of section fifteen of chapter two hundred and twenty-seven of the acts of the year eighteen hundred and fifty-seven as limits the existence of the Winnisimmet Railroad Company to the period of fifty years from the passage of said act is hereby repealed; and the existence of said corporation shall remain subject only to the general provisions of law.

May alter present lease or make a new one.

SECTION 2. The Winnisimmet Railroad Company is hereby authorized to alter its present lease to the Lynn and Boston Railroad Company, and is also hereby authorized, instead of such alteration or in addition thereto, to make a new lease of its road and other property to said Lynn and Boston Railroad Company on such terms and conditions as may be approved by a majority in interest of the stockholders of said companies respectively present and voting at meetings legally held for that purpose.

Subject to approval by stockholders.

SECTION 3. This act shall take effect upon its passage.

Approved February 7, 1879.

[L. & B., 1880, 146; 1881, 152.]

Chap. 20 AN ACT to supply the Town of Middleborough with Pure Water.

[This act and 1880, 138, became void in consequence of not having been accepted within the time prescribed.]

[1869, 265.]

Chap. 22 AN ACT to amend Chapter Two Hundred and Sixty-five of the Acts of the Year Eighteen Hundred and Sixty-nine, entitled "An Act to incorporate the Trustees of the Home for Aged Females, in the City of Worcester."

Be it enacted, etc., as follows:

Charter amended. 1869, 265, § 4.

SECTION 1. Section four of chapter two hundred and sixty-five of the acts of the year eighteen hundred and sixty-nine is hereby amended by striking out the words, "and the secretary of the corporation shall be the secretary of the board of visitors, and keep a record of their acts and doings in the same book in which he keeps the record of the corporation."

SECTION 2. This act shall take effect upon its passage.

Approved February 12, 1879.

[1873, 162.]

AN ACT to authorize the Trustees of the Delta Psi Society of Williams College to hold Meetings in the City of New York.

Chap. 23

Be it enacted, etc., as follows:

SECTION 1. The Trustees of the Delta Psi Society of Williams College are hereby authorized to hold meetings for the purposes mentioned in their act of incorporation, in the city of New York, as well as in this Commonwealth.

May hold meetings in the city of New York.

SECTION 2. This act shall take effect upon its passage.

Approved February 12, 1879.

AN ACT to authorize the City of Boston to pay the Administrator of the Estate of Michael F. Wells for Labor and Materials furnished by said Wells to said City, while a member of its City Council.

Chap. 24

Be it enacted, etc., as follows:

SECTION 1. The city of Boston is hereby authorized to pay to the administrator of the estate of Michael F. Wells the sum of fifty-seven dollars and fifteen cents, for labor and materials furnished by said Wells to the fire department of the city of Boston, in the month of June in the year eighteen hundred and seventy-three, while said Wells was a member of the city council of said city.

City may pay for materials furnished by Michael F. Wells while a member of the city council.

SECTION 2. This act shall take effect upon its passage.

Approved February 12, 1879.

[1873, 200.]

AN ACT in addition to "An Act to establish a Free Bridge across the Connecticut River between Springfield and Agawam."

Chap. 25

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of Hampden County may borrow on the credit of said county an additional sum of money not exceeding fifteen thousand dollars, to pay the expenses of building and constructing the free bridge and highway across the Connecticut River at Springfield, provided for by chapter two hundred of the acts of the year eighteen hundred and seventy-three; said sum to be borne and paid in the manner provided by section four of said act.

May borrow money to build bridge across Connecticut River.

SECTION 2. This act shall take effect upon its passage.

Approved February 14, 1879.

[1880, 236.]

Chap. 26 AN ACT to unite the First Congregational Society in South Hadley Falls and the South Religious Society in South Hadley.

Be it enacted, etc., as follows :

Societies united under name of the Congregational Society in South Hadley Falls.

SECTION 1. The First Congregational Society in South Hadley Falls and the South Religious Society in South Hadley are hereby united in one religious society under the name of the Congregational Society in South Hadley Falls; and all the powers, privileges, franchises and property now enjoyed and possessed by said two corporations are hereby vested in said united society.

Property to be vested in one board of trustees.

SECTION 2. All property now held in trust for said corporations severally, by separate boards of trustees, shall be hereafter vested in and held by one board of trustees chosen by said united society and remain subject to all the conditions and trusts to which the same is now subject.

Agreement between corporations ratified and confirmed.

SECTION 3. The agreement into which said corporations have entered for the purpose of effecting such union and which is recorded in the records of each of said corporations, is hereby ratified and confirmed, and shall be recorded in the records of said Congregational Society in South Hadley Falls.

SECTION 4. This act shall take effect upon its passage.

Approved February 14, 1879.

[B. & L., 1877, 113 ; L. & L., 1878, 245 ; S. & L., 1848, 223 ; 1866, 107 ; 1869, 24.]

Chap. 27 AN ACT to authorize the Boston and Lowell Railroad Corporation to purchase the Lowell and Lawrence Railroad and the Salem and Lowell Railroad, and to amend its Charter.

Be it enacted, etc., as follows :

Boston and Lowell Railroad Corporation may purchase the Lowell and Lawrence, and Salem and Lowell Railroads.

SECTION 1. The Boston and Lowell Railroad Corporation is authorized to purchase the rights, franchise and property of the Lowell and Lawrence Railroad Company and the Salem and Lowell Railroad Company, or either of them, and the said Lowell and Lawrence Railroad Company and Salem and Lowell Railroad Company, or either of them, are authorized to convey and assign to the said Boston and Lowell Railroad Corporation, their franchises and property, and all the rights, easements, privileges and powers granted them or either of them, and the said Boston and Lowell Railroad Corporation, shall upon such conveyance being made to it, have and enjoy all the rights, powers, privileges, easements, franchises and property, and be subject to all duties, liabilities, obligations and restric-

Powers and duties.

tions, to which said Lowell and Lawrence Railroad Company and said Salem and Lowell Railroad Company, or either of them, may be subject: *provided, however*, that such purchase or sale shall not be valid unless agreed to by the directors of the contracting corporations, and approved by the majority of the votes at meetings of the stockholders of each corporation called for that purpose, and by the board of railroad commissioners.

Proviso.

SECTION 2. For the purpose of providing means for the expenditures authorized by the preceding section, the said Boston and Lowell Railroad Corporation is hereby authorized to increase its capital stock by issuing, in addition to the amount now allowed by law to be issued, an amount not exceeding six hundred and twenty thousand dollars.

May increase capital stock.

SECTION 3. The Boston and Lowell Railroad Corporation is hereby authorized to increase the number of its directors from five to seven.

May increase number of directors.

SECTION 4. This act shall take effect upon its passage.

Approved February 14, 1879.

[1880, 169 ; 1881, 98.]

AN ACT prohibiting Interments under Saint Paul's Church in Boston, and for other Purposes.

Chap. 28

Be it enacted, etc., as follows:

SECTION 1. The proprietors of Saint Paul's Church in Boston may take all tombs under said church, and all rights of interment therein, the same having been first appraised by three disinterested persons to be chosen by the wardens and vestry of said Saint Paul's Church; or said proprietors may agree with any owner or owners of said tombs or rights for the purchase of said tombs, and the extinguishment of all rights of interment therein.

Proprietors may take tombs under the church after appraisal.

SECTION 2. Whenever the wardens and vestry shall, by vote at a meeting legally called for that purpose, determine to take such tombs or rights, and shall have had the same appraised as provided in section one, they shall give notice to all persons interested in such tombs, either by serving such notice upon at least one owner of each tomb, or by publishing the same for three successive weeks in two newspapers at least, printed in the city of Boston, that all bodies and remains interred in tombs under said church, the same having become dangerous to public

Vestry to have tombs appraised and to notify all persons interested.

Remains to be removed within sixty days.

health, must be removed within sixty days after such notice or after said first publication; and in case said bodies or remains shall not have been removed within said sixty days, said wardens and vestry may, at the expense of said proprietors, cause the same to be removed and interred in some suitable place, in which case said wardens and vestry may deduct from the appraised value of the tombs and rights aforesaid, so much thereof as shall be necessary to pay the reasonable expenses of such removal, and of the purchase of suitable places for the interment of said bodies and remains, and the balance shall within thirty days after demand be paid over to the person or persons entitled to receive the same.

Party aggrieved may apply by petition to superior court for the county of Suffolk.

SECTION 3. Any owner of said tombs or rights, who is aggrieved by the doings of said appraisers, may apply by petition to the superior court for the county of Suffolk, at any term thereof within six months after the service or first publication of notice as provided in section two, and after due notice to said proprietors a trial shall be had at the bar of the court in the same manner in which other civil causes are there tried by a jury; but in entering judgment the court shall take into account the sum, if any, to be deducted under the provisions of section two, and if either party request it the jury shall view the place in question.

Interments prohibited.

SECTION 4. The further use of the tombs under Saint Paul's Church for interments, or the temporary deposit of the dead, is hereby prohibited.

SECTION 5. This act shall take effect upon its passage.

Approved February 14, 1879.

[1877, 3.]

Chap. 32 AN ACT to amend "An Act to incorporate the Veteran Association of the Independent Corps of Cadets."

Be it enacted, etc., as follows:

Real and personal estate not to exceed \$125,000.

SECTION 1. Chapter eight of the acts of the year eighteen hundred and seventy-seven is hereby amended so that the association incorporated by said act shall have power to hold property, real and personal, to an amount not exceeding one hundred and twenty-five thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 18, 1879.

AN ACT to authorize the Town of Wilmington to pay a Certain Bounty to John H. Simpson and George H. Baird, for Service in the Late War as Part of the Quota of said Town. *Chap. 33*

Be it enacted, etc., as follows :

SECTION 1. The town of Wilmington is hereby authorized to raise money, and pay to John H. Simpson and George H. Baird, or either of them, the sum of one hundred and twenty-five dollars each as a bounty for service in the late war as a part of the quota of said town: *provided*, that said town shall not be reimbursed by the Commonwealth for the money so paid under this act.

Town may raise money and pay bounties.

Not to be reimbursed by Commonwealth.

SECTION 2. This act shall take effect upon its passage.

Approved February 18, 1879.

AN ACT to incorporate the Home for Aged Women in Waltham. *Chap. 34*

Be it enacted, etc., as follows :

SECTION 1. Frederick M. Stone, Thomas F. Fales, Charles Dix, Daniel French, their associates and successors, are hereby made a corporation by the name of the Home for Aged Women in Waltham, for the purpose of providing a home for, and otherwise assisting respectable, aged and indigent women; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in all the general laws which now are or may hereafter be in force applicable to such corporations.

Corporators.

Name and purpose.

Powers and duties.

SECTION 2. Said corporation may, for the purposes aforesaid, hold real and personal estate to an amount not exceeding fifty thousand dollars.

Real and personal estate.

Approved February 18, 1879.

[1878, 244.]

AN ACT in relation to the Licenses of Innholders and Common Victuallers in the City of Boston. *Chap. 38*

Be it enacted, etc., as follows :

SECTION 1. All provisions of law applying to the mayor and aldermen of the city of Boston relative to the licensing of innholders and common victuallers, shall hereafter apply to the board of police commissioners in said city, instead of said mayor and aldermen; but no innholder's or common victualler's license issued by said board shall be valid unless signed by a majority of the members thereof.

Innholders, etc., to be licensed by police commissioners.

SECTION 2. All licenses hereafter issued to innholders, *Licenses to ex-*

pire on the first day of May.

and common victuallers in said city shall expire on the first day of May next after they take effect. Such licenses, for one year, may be granted during the month of April, to take effect on the first day of May next following, and such licenses may be granted at any time for the remainder of the year. The licenses already granted to innholders and common victuallers in said city, to expire on the first day of April next, shall, unless sooner revoked for cause, continue in force until the first day of May next.

SECTION 3. This act shall take effect upon its passage.

Approved February 18, 1879.

[1876, 99; 1877, 6.]

Chap. 40 AN ACT to incorporate the Billerica and Bedford Narrow Gauge Railroad Company.

Be it enacted, etc., as follows:

Corporators.

SECTION 1. William W. Warren, Francis V. Noyes, Paul Hill, William R. Hayden, Joshua B. Holden, and their associates and successors, are hereby made a corporation by the name of the Billerica and Bedford Narrow Gauge Railroad Company, for the purpose of locating, constructing, maintaining and operating a railroad in the towns of Billerica and Bedford, the southern terminus of which shall be at or near the Bedford station of the Middlesex Central Railroad, and the northerly terminus at or near the North Billerica station of the Boston and Lowell Railroad. Said corporation may locate and construct its railroad over the lands of the Billerica and Bedford Railroad Company, and with a gauge of two feet; but in all other respects shall be subject to the same restrictions, duties and liabilities and shall have the same powers and privileges as if formed and organized under the general laws relating to railroad corporations.

Name and purpose.

Powers and duties.

May purchase franchise and property of Bedford and Billerica Railroad Company.

May file new location of road.

SECTION 2. Said corporation may purchase, acquire and hold the railroad, franchise and property of said Billerica and Bedford Railroad Company, which now are in the hands of its assignees in bankruptcy or of their grantee or grantees; and it is hereby authorized to file a new location of said railroad, to maintain and operate the same, and it shall have and possess all the powers, privileges and franchises conferred upon said Billerica and Bedford Railroad Company by the general laws of this Commonwealth and by chapter ninety-nine of the acts of the year eighteen hundred and seventy-six.

SECTION 3. The capital stock of the corporation hereby created shall be fixed by the directors, and shall not exceed thirty thousand dollars. And said corporation shall have the same power to increase its capital stock as if organized under the general laws.

Capital stock not to exceed \$30,000.

SECTION 4. The towns of Billerica and Bedford are hereby authorized to subscribe to the capital stock of the corporation hereby created to an amount which, together with all previous subscriptions to the stock or securities of railroad corporations, shall not exceed the amount now authorized by the general laws of this Commonwealth for such purposes; and said subscription shall be under the restrictions and conditions required by said general laws.

Towns of Billerica and Bedford may take stock.

SECTION 5. This act shall take effect upon its passage.

Approved February 19, 1879.

[1828, 83.]

AN ACT to change the Name of the Trustees of Abbott Female Academy in Andover.

Chap. 41

Be it enacted, etc., as follows:

SECTION 1. The corporate name of the "Trustees of Abbott Female Academy," is hereby changed to "The Trustees of Abbott Academy."

Name changed.

SECTION 2. This act shall take effect upon its passage.

Approved February 19, 1879.

AN ACT to change the Name of the West Parish Congregational Society of Amesbury.

Chap. 44

Be it enacted, etc., as follows:

SECTION 1. The name of the West Parish Congregational Society of Amesbury is hereby changed to the "First Orthodox Congregational Society of Merrimac."

Name changed.

SECTION 2. This act shall take effect upon its passage.

Approved February 21, 1879.

AN ACT to establish an Alewife Fishery in Eastham.

Chap. 45

Be it enacted, etc., as follows:

SECTION 1. The town of Eastham is hereby authorized to make the necessary improvements for the preservation and taking of alewives in the Great Pond, so called, in the town of Eastham and the waters connected therewith and the outlet therefrom to the sea, and may take land and do

Preservation and taking of alewives in Great Pond in Eastham.

all acts necessary for the purpose of establishing, protecting and regulating an alewife fishery in said waters.

Town liable for damages.

SECTION 2. The said town of Eastham shall be liable to pay all damages that shall be sustained in any way by any persons in their property, in carrying into effect this act. If any person sustaining damage as aforesaid, shall not agree with the selectmen of the town upon the amount of damage to be paid therefor, he may have his damage assessed and paid in the manner provided by law in respect to land taken for highways.

Fishery to be the property of the town.

SECTION 3. Any fishery so created shall be deemed to be the property of said town of Eastham, and said town may make any proper regulations concerning the same, and may lease such fishery for a period not exceeding five years, upon such terms as may be agreed upon between said town and the lessees of the same.

Alewives not to be taken without permission of the town.

SECTION 4. No persons without the permission of said town or of the lessees of said fishery shall take, kill or haul on shore any alewives in the fishery so created by the town.

Forfeitures.

SECTION 5. Whoever violates any of the provisions of this act or any of the regulations of the town regarding said fishery shall forfeit and pay a sum not less than five nor more than fifty dollars for each offence, to be recovered by prosecution before any court in the county of Barnstable competent to try the same. Said forfeiture shall accrue to the benefit of the inhabitants of the town.

Prosecutions to be within thirty days of commitment of offence.

SECTION 6. All prosecutions under the preceding section shall be instituted within thirty days from the time the offence was committed.

SECTION 7. This act shall take effect upon its passage.

Approved February 21, 1879.

[1877, 98.]

Chap. 46 AN ACT to authorize the Onset Bay Grove Association to construct and maintain a Bridge over Tide Water.

Be it enacted, etc., as follows:

Association may maintain bridge across Swift Narrows.

SECTION 1. The Onset Bay Grove Association is hereby authorized to construct and maintain a bridge without a draw, connecting their lands and crossing the creek called Swift Narrows, provided the license of the board of harbor commissioners is first obtained, as provided by law in cases above the line of some existing bridge or other

structure authorized by law in which there is in fact no draw, and in which the law does not require that a draw be constructed or maintained.

SECTION 2. This act shall take effect upon its passage.

Approved February 21, 1879.

[1872, 229; 1876, 103; 1877, 109.]

AN ACT to protect the Eel Fisheries in North River and its Tributaries in the County of Plymouth.

Chap. 47

Be it enacted, etc., as follows:

SECTION 1. Whoever takes, catches or destroys any eels in North River or its tributaries, in the county of Plymouth, in any other manner than by spear, or hook and line, shall forfeit for every eel so taken, caught or destroyed, not less than one dollar nor more than five dollars; a half of said fine to be paid to the complainant.

Eels not to be caught other than by spear, or by hook and line.

SECTION 2. Whoever wilfully places any obstruction, or otherwise interferes with the free passage of eels in said river or its tributaries, shall forfeit a sum not less than fifty nor more than one hundred dollars for each offence.

Free passage of eels not to be obstructed, under penalty.

SECTION 3. All fines or penalties for violating this act, with costs, may be recovered by complaint or action of tort in any court of competent jurisdiction.

Fines and penalties.

SECTION 4. This act shall take effect upon its passage.

Approved February 21, 1879.

[1881, 44.]

[1873, 135.]

AN ACT to authorize the Trustees of the Sigma Phi Society of Williams College to hold Meetings in the City of New York.

Chap. 48

Be it enacted, etc., as follows:

SECTION 1. The trustees of the Sigma Phi Society of Williams College are hereby authorized to hold meetings, for the purposes mentioned in their act of incorporation, in the city of New York, as well as in this Commonwealth.

May hold meetings in the city of New York.

SECTION 2. This act shall take effect upon its passage.

Approved February 21, 1879.

[Sp. Laws, vol. 2, p. 275.]

AN ACT to authorize the North Parish of Wrentham to sell its Meeting-house and Land to the Town of Norfolk.

Chap. 49

Be it enacted, etc., as follows:

SECTION 1. The North Parish of Wrentham is hereby authorized to sell its right and title to the meeting-house

May sell meeting-house and land.

and land now owned or occupied by said parish to the town of Norfolk.

SECTION 2. This act shall take effect upon its passage.

Approved February 21, 1879.

[1872, 269; 1874, 281.]

Chap. 50 AN ACT to amend Chapter Two Hundred and Sixty-nine of the Acts of the Year Eighteen Hundred and Seventy-two, relating to the First District Court of Northern Middlesex.

Be it enacted, etc., as follows:

Court for civil business, on first and third Mondays in each month.

Section four of chapter two hundred and sixty-nine of the acts of the year eighteen hundred and seventy-two is hereby amended by striking out the words "first Monday," and inserting in place thereof the words "first and third Mondays."

Approved February 21, 1879.

Chap. 59 AN ACT to provide for licensing Conductors, Drivers and Despatchers of Street Railway Cars in the City of Boston.

Be it enacted, etc., as follows:

Conductors and drivers of street cars in Boston to be licensed by police commissioners.

SECTION 1. The board of police commissioners of the city of Boston shall, upon the recommendation of the president, superintendent, or board of directors of any street railway corporation using the streets of said city, issue licenses from time to time to the conductors and drivers of the street cars of the said several street railway corporations, and also to the persons employed to start or despatch the cars of said corporations from the stables, stations, depots and other places within said city; and said board of police commissioners may revoke any such license at any time for sufficient cause. Such licenses shall continue and remain in force until surrendered by the licensee or until revoked by said board of police commissioners, and shall contain such provisions and conditions as said board shall determine: *provided, however*, that the fee to be paid for each license shall not exceed the sum of twenty-five cents.

License may be revoked for cause.

Fee for license not to exceed twenty-five cents.

Record of licenses to be open to inspection of presidents, etc., of roads.

Notice to presidents, etc., when license is revoked.

SECTION 2. A record of the issue, surrender and revocation of such licenses shall be kept at the office of said board of police commissioners, and shall be open at all times to the inspection of the presidents and superintendents of the several street railways using the streets in said city; and whenever any such license is revoked by the board of police commissioners, notice thereof shall be transmitted to the presidents or superintendents of said street railways and to the licensee.

SECTION 3. Said board of police commissioners shall require the members of their department to observe and direct the persons licensed under this act, and to cause them to conform to the laws of the Commonwealth, the ordinances of the city of Boston, the regulations of the board of aldermen of said city, and the rules of said board of police commissioners relating to the use of the tracks, the speed of the horses, and especially to the obstructions of public travel, by the management of the street cars; said police officers shall secure the necessary testimony, and shall report to the board of police commissioners every instance of the wilful or persistent violation by any licensee of any such law, ordinance, regulation or rule, or any refusal to obey the request of said officers respecting the management of any street car.

Police commissioners to enforce all laws, etc., relating to use of tracks, etc.

Police officers to secure testimony and report violations of law.

SECTION 4. Any person who shall drive any horses attached to any street car in any street in the city of Boston, except at the stables of said corporations, or shall act in the capacity of conductor, starter or despatcher at any place within the limits of said city, without being licensed therefor, as herein provided, or who shall act in such capacity in violation of the provisions or conditions, or after the revocation of such license, shall forfeit and pay a sum not exceeding twenty dollars for each offence.

Penalty for acting as driver, conductor or starter, without a license.

SECTION 5. No person whose license shall have been revoked pursuant to the provisions of this act, shall be re-instated, or receive a new license as conductor, driver, starter or despatcher on any street railway in the city of Boston, within a period of twelve months from the date of the revocation of his license.

Not to receive new license within twelve months of revocation.

Approved February 26, 1879.

[1880, 79.]

[1873, 130.]

AN ACT to amend Chapter One Hundred and Thirty of the Acts of the Year Eighteen Hundred and Seventy-three, entitled "An Act to authorize the Town of Medford to build a Bridge across Mystic River."

Chap. 60

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter one hundred and thirty of the acts of the year eighteen hundred and seventy-three, is hereby amended by striking out all of said section after and including the word "provided."

Span bridge across Mystic River.
1873, 130, § 1.

SECTION 2. This act shall take effect upon its passage.

Approved February 26, 1879.

Chap. 61 AN ACT to authorize the Town of Foxborough to make Certain Payments to the Widow and Children of John A. Davis.

Be it enacted, etc., as follows :

Town may raise money to be paid to widow and children of John A. Davis.

SECTION 1. The town of Foxborough is hereby authorized to raise by taxation and appropriate annually for the term of ten years, a sum not exceeding one hundred and twenty dollars; the same to be paid in quarterly payments of thirty dollars each to Ella A. Davis, the widow of John A. Davis, of said town, or to their children as the town may deem expedient.

SECTION 2. This act shall take effect upon its passage.

Approved February 26, 1879.

Chap. 62 AN ACT to authorize the Supreme Council of the Royal Arcanum to hold its Annual Meetings without the Commonwealth.

Be it enacted, etc., as follows :

May hold annual meetings without the Commonwealth.

The Supreme Council of the Royal Arcanum may hold its annual meetings in any state wherein a grand council of said association is established; and its acts at such meetings shall have the same effect as if done within the Commonwealth.

Approved February 26, 1879.

[1871, 29.]

Chap. 63 AN ACT to amend the Charter of the Faneuil Hall Insurance Company.

Be it enacted, etc., as follows :

May take marine risks.

SECTION 1. The provisions of chapter one hundred and eighty-two of the acts of the year eighteen hundred and seventy-three are hereby extended to the Faneuil Hall Insurance Company.

SECTION 2. This act shall take effect upon its passage.

Approved February 27, 1879.

[Sp. Laws, vol. 3. p. 98.]

Chap. 65 AN ACT to amend Chapter Forty of the Acts of the Year Eighteen Hundred and Three relative to the privilege of taking Certain Fish in Mystic River in Medford.

Be it enacted, etc., as follows :

Fish committee in Medford to consist of three inhabitants.

SECTION 1. Section three of chapter forty of the acts of the year eighteen hundred and three is hereby amended by striking out the word "freeholders," in the third line of said section, and inserting in place thereof the word "inhabitants."

SECTION 2. This act shall take effect upon its passage.

Approved February 27, 1879.

[1869, 48.]

AN ACT to amend the Charter of the Simonds Manufacturing Com- *Chap. 66*
pany.

Be it enacted, etc., as follows :

SECTION 1. Section one of chapter forty-eight of the acts of the year eighteen hundred and sixty-nine is hereby amended by inserting after the words "machine knives of all kinds," in the sixth line thereof, the words "saws and edge-tools."

May manufac-
ture saws and
edge-tools.

SECTION 2. This act shall take effect upon its passage.

Approved February 27, 1879.

[1877, 197.]

AN ACT to provide for the Payment of the Harbor Improvement *Chap. 67*
Loan.

Be it enacted, etc., as follows :

SECTION 1. The treasurer and receiver-general is hereby authorized to call in and pay the harbor improvement loans authorized by chapters three hundred and twenty of the acts of the year eighteen hundred and seventy-two, and one hundred and seventy-one of the acts of the year eighteen hundred and seventy-six, at such times as the same shall become redeemable at the option of the Commonwealth, and said treasurer may, with the approval of the governor and council, sell any stocks or bonds in his possession, not otherwise appropriated, and use such part of the proceeds thereof, as may be necessary in the redemption of said loans.

Treasurer may
call in harbor
improvement
loans.

May sell stocks
and bonds for
redemption of
loans, with ap-
proval of gov-
ernor and coun-
cil.

SECTION 2. This act shall take effect upon its passage.

Approved February 27, 1879.

[1879, 271.]

[1876, 208.]

AN ACT for the Better Protection of the Shad and Alewife Fishery in *Chap. 83*
Taunton Great River.

Be it enacted, etc., as follows :

Any person who shall wilfully drive or stick any stake in or upon any fishing ground or privilege duly located in Taunton Great River, or who shall, by throwing into the waters thereof any substance or thing, or in any other manner, prevent, obstruct or impede any purchaser or purchasers of such ground or privilege or their agents from seining or fishing thereon at such time and manner as provided by law, shall for each offence be punished by a fine not exceeding ten dollars. *Approved February 28, 1879.*

Penalty for
obstructing
seining or fish-
ing, in Taunton
Great River.

Chap. 84 AN ACT to change the Name of the Cape Ann Isinglass and Glue Company in Rockport.

Be it enacted, etc., as follows :

Name changed.

The name of the Cape Ann Isinglass and Glue Company in Rockport, is changed to that of the Cape Ann Isinglass Company.

Approved February 28, 1879.

[1871, 343; 1873, 31; 1875, 221; 1877, 152.]

Chap. 85 AN ACT to amend Chapter One Hundred and Fifty-two of the Acts of the Year Eighteen Hundred and Seventy-seven, relating to the Construction of the Extension of Foster Street in the City of Worcester.

Be it enacted, etc., as follows :

Bridge may be constructed with three spans.

SECTION 1. Section one of chapter one hundred and fifty-two of the acts of the year eighteen hundred and seventy-seven, is hereby amended, so that the bridge over the extension of Foster Street, where said extension crosses the viaduct as provided in said chapter, may be constructed with three spans, the aggregate length of which shall not be less than sixty feet in the clear measured at right angles with said extension.

Grade of street may be raised.

SECTION 2. The mayor and aldermen are authorized to raise the grade of said street as now fixed, between a point thereon opposite the easterly line of the estate of William Dickinson, and the bridge across the viaduct over said street, not to exceed in any place three feet. And any damage occasioned to any person or corporation by raising the grade of said street, shall be assessed by said mayor and aldermen in the first instance, and shall be subject to revision by a jury in the manner provided by law in the laying out of townways and shall be paid by said city.

Not to affect any thing done in construction, etc.

SECTION 3. This amendment shall not in any other way affect any thing which has been done in the laying out and construction of said street nor the liability of estates receiving benefit and advantage from the laying out of said extension to assessment therefor as provided in said chapter.

SECTION 4. This act shall take effect upon its passage.

Approved February 28, 1879.

Chap. 91 AN ACT to incorporate the Trustees of Thayer Academy.

Be it enacted, etc., as follows :

Thayer Academy.

SECTION 1. There is hereby established in the town of Braintree an institution of learning by the name of the

Thayer Academy, for the purposes set forth in the will of Sylvanus Thayer, late of Braintree, deceased, bearing date the tenth day of July, in the year eighteen hundred and seventy-one, and proved and allowed at the probate court holden at Dedham, within and for the county of Norfolk, on the ninth day of October in the year eighteen hundred and seventy-two.

Ebenezer Alden of Randolph, William S. Dexter of Boston, Asa French of Braintree, George A. Thayer of Boston, Seth Turner of Randolph, and Solomon Lincoln of Hingham, in the state of Massachusetts, surviving persons named as trustees in said will, are hereby appointed trustees of said academy; and they are hereby incorporated into a body politic by the name of the Trustees of Thayer Academy. And they and their successors shall be and continue a body politic and corporate by the same name forever; with all the powers and privileges requisite for carrying into full effect the provisions of said will, and with all the powers, rights and privileges, and subject to all the duties, restrictions and liabilities, set forth in all general laws which now are or may hereafter be in force and applicable to such corporations, not inconsistent with the provisions of said will.

Corporators
and trustees.

Powers and
privileges.

SECTION 2. Said corporation may take and hold all and singular the estates, real and personal, devised and bequeathed by the said Sylvanus Thayer, in his said will, to the trustees therein named, for the purposes aforesaid, and may take and hold any other and further estates, real or personal, which may be acquired by them by gift, devise or purchase, or otherwise, for the same purposes: *provided, however*, that the actual value of the real and personal estates, by them so held or possessed, shall not exceed the amount of three hundred and fifty thousand dollars, all of which estates shall be devoted and appropriated exclusively for the purposes of education in the manner set forth in said will.

May take and
hold estates be-
queathed by
Sylvanus
Thayer.

Proviso.

SECTION 3. So long as the fund held by said corporation, the income of which can be applied to the maintenance of instruction in said academy, shall, at its fair market value, be equal to two hundred thousand dollars, and the net annual income therefrom, available for said purpose, shall be not less than twelve thousand dollars, no tuition fee shall be required from any scholar in said academy who shall have been born in either of the towns

No tuition fee
as long as fund
is \$200,000, and
income there-
from is \$12,000.

of Braintree, Quincy, Randolph or Holbrook, or whose parents either or both, shall reside in one of said towns, at the time of his or her admission, and during his or her continuance as a pupil of said academy.

Free scholar-
ships.

SECTION 4. Nothing herein contained shall be so construed as to limit or control the right of the trustees to establish and maintain free scholarships in their discretion, in the manner provided in the will of Sylvanus Thayer.

SECTION 5. This act shall take effect upon its passage.

Approved March 6, 1879.

[Accepted April 10, 1879.]

Chap. 92

AN ACT to incorporate the New England Furniture Exchange.

Be it enacted, etc., as follows :

Corporators.

SECTION 1. Francis M. Holmes, Frank A. Brown, William A. Haskell, Christopher Blake, Charles H. Gilman, George S. Harrington, their associates and successors, are hereby made a corporation by the name of the New England Furniture Exchange, for the purpose of promoting the general welfare of the furniture trade and its branches in New England ; with all the powers and privileges, and subject to all the duties and liabilities set forth in all general laws which now are or hereafter may be in force concerning such corporations : *provided*, that nothing in this act contained shall be construed to authorize said corporation to traffic in goods, wares or merchandise of any description.

Name and
purpose.

Corporation not
to traffic in
wares or mer-
chandise.

Real and per-
sonal estate not
to exceed
\$100,000.

SECTION 2. Said corporation may hold real and personal estate to an amount not exceeding one hundred thousand dollars, to be devoted exclusively to the purposes of said corporation.

SECTION 3. This act shall take effect upon its passage.

Approved March 6, 1879.

Chap. 93 AN ACT to authorize the Town of North Reading to pay Certain Bounties.

Be it enacted, etc., as follows :

May raise
money to pay
soldiers'
bounties.

SECTION 1. The town of North Reading is hereby authorized to raise money, and pay to Walter Rayner, Edwin Eaton, Osro Mason and Joseph H. Abbott, or either of them, the sum of one hundred and twenty-five dollars each, as a bounty for service in the late war as a part of the quota of said town : *provided*, that said town shall not

Not to be re-im-

be re-imbursed by the Commonwealth for the money as paid under this act. bursed by the state.

SECTION 2. This act shall take effect upon its passage.

Approved March 7, 1879.

[1878, 244.]

AN ACT relative to Pensions to Disabled Police Officers of the City of Boston. *Chap. 97*

Be it enacted, etc., as follows:

SECTION 1. Section five of chapter two hundred and forty-four of the acts of the year eighteen hundred and seventy-eight shall be construed to apply to the police officers therein named who have become connected with the police department of the city of Boston by the annexation of any other city or town to said city of Boston; and the service of such officers in any such city or town before annexation, shall be reckoned in making up the number of years' service required under said section; and any such officer who has been discharged from said department since said section went into effect shall be entitled to the benefits of said section from the date of such discharge. Pensions to disabled police-men in the city of Boston.

SECTION 2. This act shall take effect upon its passage.

Approved March 10, 1879.

[1877, 217.]

AN ACT in relation to the Discharge of Sewage into the Roxbury Canal. *Chap. 98*

Be it enacted, etc., as follows:

SECTION 1. The city of Boston is hereby authorized to divert by temporary structures the sewage now discharged into the Roxbury Canal west of the easterly line of East Chester Park, so that it shall discharge into said canal east of said easterly line; and said diversion may continue until the system of improved sewerage now being constructed in said city shall be in practical operation, but no longer. City may divert sewage now discharged into Roxbury Canal.

SECTION 2. The city of Boston is hereby authorized to construct and maintain a storm overflow from said system of improved sewerage, the said storm overflow to empty into said Roxbury Canal east of the easterly line of East Chester Park. May construct and maintain a storm overflow.

SECTION 3. Whenever in the opinion of twenty or more property tax payers of the city of Boston, resident within the ward or wards in which that portion of Rox- Canal to be dredged by the city whenever so ordered by

the state board
of health.

bury Canal east of Chester Park lies, that part of the canal used as a storm overflow canal or basin shall require cleansing or dredging, they shall state the fact in writing to the state board of health who shall within thirty days after receipt of such notice inspect said canal or basin, and if in their judgment it shall require cleansing or dredging they shall direct the city of Boston so to cleanse or dredge within thirty days after the receipt of such notice, and when so directed the city of Boston shall within the time specified cleanse or dredge such basin or channel in a manner satisfactory to the state board of health, who shall upon the completion of the work indorse upon the order directing the same to be done, its approval thereof, with the date of said indorsement.

Expense of
dredging to be
assessed upon
abutters.

SECTION 4. Upon the completion of said cleansing or dredging by the city of Boston, and the receipt of the approval of the state board of health thereon, the city of Boston may submit to the state board of health sworn itemized statements of the costs thereof with vouchers therefor, of which sum the board of health shall then proceed to assess such portion or portions as they shall deem just and equitable, upon the wharves and lands adjoining or abutting upon said canal or basin; but they shall have power to make assessments upon the several wharves and lands, only for the expense of removing deposits caused by the owners or occupants thereof respectively.

Assessments to
be a lien upon
wharves and
lands so
assessed.

SECTION 5. All assessments made under this act shall constitute a lien upon the wharves and lands so assessed for one year after the assessment is made and as provided in section four of this act, and may be enforced in the same manner with like charges for cost and interest as provided by law for the collection of taxes; and all said assessments which shall remain unpaid after the same become due or payable shall draw interest from the time the same become due or payable until the time of payment thereof.

If assessment is
invalid, by error
in making, it
may be made
anew.

SECTION 6. Any assessment made under this act which is invalid by reason of any error or irregularity in the making thereof, and which has not been paid, or which has been recovered back, may be made by said state board of health to the amount for which the original assessment ought to have been made, and the same if made upon a wharf or land shall be a lien upon such wharf or land and be collected in the same manner as re-assessed taxes are.

SECTION 7. Any person aggrieved by an assessment made under this act may apply by petition to the superior court for the county of Suffolk, at any term thereof within one year after said assessment is made; and after due notice to the city of Boston a trial shall be had at the bar of the court in the same manner in which other civil causes are there tried by jury.

Person aggrieved may apply to superior court within one year.

SECTION 8. If the jury shall not reduce the amount of the assessment complained of, the city of Boston as respondent shall recover costs against the petitioner, which costs shall be a lien upon said wharves and land and be collected in the same manner as the assessment, but if the jury shall reduce the amount of said assessment the petitioner shall recover costs from said city of Boston, and all assessments shall be a lien upon said wharves and lands, for one year after the final judgment, in any suit or proceeding where the amount or validity of the same is in question, and be collected in the same manner as original assessments.

Recovery of costs.

Assessments to be lien upon lands, etc., for one year after final judgment.

SECTION 9. All acts and parts of acts inconsistent herewith are hereby repealed.

Repeal.

SECTION 10. This act shall take effect upon its passage.

Approved March 10, 1879.

[1822, 59; 1825, 11; 1827, 128; 1829, 50; 1832, 47; 1836, 199, 230; 1852, 276, 315; 1853, 313, 397, 416; 1856, 180; 1857, 239; 1859, 242; 1862, 97; 1865, 112; 1866, 66; 1867, 159; 1869, 259, 260, 402; 1871, 134; 1873, 15.]

AN ACT authorizing the New Haven and Northampton Company to issue Bonds.

Chap. 99

Be it enacted, etc., as follows:

SECTION 1. The New Haven and Northampton Company is hereby authorized to issue its bonds, signed by its president, and countersigned by its treasurer, to an amount not exceeding twelve hundred thousand dollars, for the purpose of retiring its bonds due in the years eighteen hundred and eighty and eighteen hundred and eighty-two, and paying its floating debt, upon being empowered by a majority of the votes of its stockholders at a meeting called for the purpose. Said bonds shall be for one thousand dollars each, payable not more than thirty years from date and bearing interest not exceeding six per centum per annum, payable semi-annually, and shall be registered in the office of the comptroller of the state of Connecticut, and a certificate thereof shall appear on the face of each bond.

May issue bonds not exceeding \$1,200,000, for retiring other bonds and paying floating debt.

Bonds to be of \$1,000 each, not more than thirty years to run, interest not exceeding 6 per cent.

May secure
bonds by a
mortgage of its
property.

Sinking fund.
Proviso.

SECTION 2. Said New Haven and Northampton Company may secure said bonds by a mortgage of its railroad, stations, rolling stock, equipments, property and franchises wherever situate, to trustees, for the holders of said bonds, and provide a sinking fund for the payment of said bonds at maturity: *provided*, that the mortgage bonds of said company outstanding at any one time, shall not exceed two million five hundred thousand dollars.

SECTION 8. This act shall take effect upon its passage.

Approved March 10, 1879.

[1880, 26; 1881, 49]

[1824, 55; 1826, 50.]

Chap. 100 AN ACT to change the Name of the Calvinist Society of Worcester, and for other Purposes.

Be it enacted, etc., as follows :

Name changed.

SECTION 1. The Calvinist Society in Worcester, incorporated under and by virtue of an act approved the eighth day of February in the year eighteen hundred and twenty-five, shall hereafter be known and called by the name of The Central Society in Worcester, and as such shall continue to hold and possess all the property and be entitled to all the rights and privileges and be subject to all the liabilities of said corporation, in the same manner and to the same extent as if this act had not been passed. And all the officers of said society shall continue to hold and exercise their respective offices in the same manner they would have done had not the name of said society been changed.

Officers to continue to hold their offices.

Name changed.

SECTION 2. The corporation called "The Trustees of the Parochial Funds of the Calvinist Society in Worcester," established under and by virtue of an act approved the second day of February in the year eighteen hundred and twenty-seven, shall hereafter be known and called by the name of "The Trustees of the Parochial Funds of the Central Society in Worcester," and as such shall continue to hold and possess all the property, and enjoy and exercise all the rights, privileges and powers of said corporation in as full and ample a manner as though this act had not been passed.

Officers to continue to hold their offices.

SECTION 3. The officers of said corporation mentioned in section two of this act shall continue to hold and exercise their respective offices in the same manner they

would have done had not the name of said corporation been changed; and whenever any vacancy or vacancies shall hereafter occur in said board of trustees, the same shall be filled from the members of said Central Society by election by ballot at a meeting of said society duly called for that purpose.

Vacancies in
board of
trustees.

SECTION 4. Nothing contained in this act shall be construed as a surrender or forfeiture, or as affecting a surrender or forfeiture, of any of the property or rights of property, or any of the powers, privileges or rights of either of the aforesaid corporations.

Property and
rights not sur-
rendered.

SECTION 5. This act shall take effect upon its passage.

Approved March 10, 1879.

[1870, 214; 1871, 130; 1877, 135.]

AN ACT concerning the Lancaster Railroad Company.

Chap. 101

Be it enacted, etc., as follows:

SECTION 1. Chapters two hundred and fourteen of the acts of the year eighteen hundred and seventy, and one hundred and thirty of the acts of the year eighteen hundred and seventy-one, concerning the Lancaster Railroad Company, are hereby revived; and all the franchises, rights, powers, authorities, privileges, immunities and property granted by said acts are hereby revived and re-granted to said company.

Charter revived.

The time within which said Lancaster Railroad was, by section five of chapter two hundred and fourteen of the acts of the year eighteen hundred and seventy, to be located, is hereby extended two years from the passage of this act, and the time within which by the same section it was ordered to be constructed is hereby extended four years from the passage of this act.

Time for loca-
tion extended.

SECTION 2. All claims for damage for land or other property taken by the location and construction of the road of said Lancaster Railroad Company, not heretofore settled and paid, are hereby revived and continued in force; and all proceedings pending in any of the courts of the Commonwealth instituted for the recovery of said damages, as well as judgments recovered and not satisfied, are hereby revived, preserved and continued in full force, with the same lien, security, and remedy to enforce final judgment, as existed by law at the date of the expiration of the charter of said Lancaster Railroad Company,

Claims for dam-
ages revived.

subject only to such alterations and amendments of law as have since been made, applicable to the recovery of claims for damages in like cases.

SECTION 3. This act shall take effect upon its passage.

Approved March 10, 1879.

[1881, 150.]

Chap. 110 AN ACT regulating the Taking of Perch in the Town of Plymouth.
Be it enacted, etc., as follows:

Perch fishing in
Plymouth regu-
lated.

SECTION 1. Whoever takes or catches any white or red perch, except with naturally or artificially baited hooks and lines, in any of the ponds or streams within the limits of the town of Plymouth, shall for each offence forfeit not less than two nor more than twenty dollars.

SECTION 2. This act shall take effect upon its passage.

Approved March 12, 1879.

[M., 1854, 434; 1855, 336; 1856, 104, 302; 1857, 43, 250; 1859, 144, 205; 1860, 35; 1861, 15; 1862, 175; 1863, 170; 1864, 75; 1867, 139, 317; 1868, 322; 1869, 272; 1870, 20, 303; 1874, 106; 1876, 53. B. & C., 1854, 445; 1855, 370; 1856, 133; 1859, 114; 1864, 75, 266; 1867, 342; 1868, 335; 1869, 256. L. & B., 1859, 202; 1861, 4; 1862, 92; 1863, 96; 1865, 184; 1868, 2, 309, 335; 1870, 324; 1871, 133.]

Chap. 111 AN ACT to authorize a Lease of the Boston and Chelsea Railroad, and to extend the Charter thereof.

Be it enacted, etc., as follows:

The Boston and
Chelsea Rail-
road may be
leased.

SECTION 1. The Boston and Chelsea Railroad Company, the Middlesex Railroad Company and the Lynn and Boston Railroad Company are hereby authorized to execute and deliver, each to the others, an instrument in three parts, whereby the railroad, and rights and franchises necessary to operate the same, of the said Boston and Chelsea Railroad Company shall be leased to said Middlesex Railroad Company, and said lease shall be assigned by said Middlesex Railroad Company to said Lynn and Boston Railroad Company, subject to such reservations as may be agreed upon by the parties, and the concurrent use of the tracks of said Middlesex Railroad Company in Boston shall be given to said Lynn and Boston Railroad Company, together with such other conditions, covenants and agreements as may be assented to by all said parties.

Lynn and Bos-
ton Railroad
may use tracks
of Middlesex
Railroad in
Boston.

If parties dis-
agree, existing
contract may be
confirmed.

SECTION 2. In case of any disagreement between the parties, the said Boston and Chelsea Railroad Company, the Middlesex Railroad Company and the Lynn and Boston Railroad Company are hereby authorized to re-execute and confirm the existing contract of lease between them.

SECTION 3. So much of section fourteen of chapter four hundred and forty-five of the acts of the year eighteen hundred and fifty-four as limits the existence of said Boston and Chelsea Railroad Company to the period of fifty years from the passage of said act, is hereby repealed and the existence of said corporation shall remain subject only to the general provisions of law.

Charter of Boston and Chelsea Railroad Company extended.

SECTION 4. This act shall take effect upon its passage.

Approved March 12, 1879.

[1880, 103, 146; 1881, 152.]

[1873, 120.]

AN ACT to revive the Charter of the Fall River Street Railway Company, and to authorize the Issue of Bonds.

Chap. 112

Be it enacted, etc., as follows:

SECTION 1. Chapter one hundred and twenty of the acts of the year eighteen hundred and seventy-three is hereby revived and continued in force.

Fall River Street Railway Company, charter revived.

SECTION 2. The Fall River Street Railway Company may issue bonds and secure the same by a mortgage on its tracks, equipment, franchise and other property, real or personal; to an amount which shall not exceed the capital stock of said company actually paid in cash and in full into its treasury and applied to the construction or equipment of its road, as certified to upon examination by the board of railroad commissioners, whose certificate shall be recorded with said mortgage.

May issue bonds, and mortgage property and franchise.

Approved March 12, 1879.

AN ACT for the Protection of the Fisheries of Mill River and its Tributaries in the Town of Essex.

Chap. 119

Be it enacted, etc., as follows:

SECTION 1. The owners and proprietors of dams on Mill River or Brook, in the town of Essex, are hereby required to erect and maintain fishways over or around said dams, and they shall be subject to all the powers given to the commissioners on inland fisheries under the laws of the Commonwealth.

Fishways to be erected.

SECTION 2. No person shall take, catch, or cause to be taken or caught, by any means whatsoever, in said river or its tributaries, or the ponds and connecting streams out of which said river and tributaries flow, any of the fish called alewives or shad, nor any land-locked salmon in said ponds and connecting streams, until the first day of May in the year eighteen hundred and eighty-four.

Shad, alewives, etc., not to be taken until May 1, 1884.

Town may regulate the fisheries.

SECTION 3. The inhabitants of the town of Essex may make all proper regulations concerning said fisheries in said Mill River and its tributaries, within said town of Essex, provided they do not conflict with the general laws relating to inland fisheries.

Penalties.

SECTION 4. Any person offending against any of the provisions of this act shall forfeit for each offence a sum not less than five nor more than thirty dollars, and shall be subject to all further penalties in such cases as is by law made and provided.

Approved March 13, 1879.

Chap. 120

AN ACT to revive and continue the Charter of the Alleghany River Oil Company for Certain Purposes.

Be it enacted, etc., as follows:

Corporation revived for the final settlement of its concerns.

SECTION 1. The existence of the corporation heretofore known as the Alleghany River Oil Company, having its usual place of business in Boston, is hereby revived and continued for a period not exceeding three years, for the purpose of enabling said corporation by its last duly elected treasurer to recover by suit at law or bill in equity or otherwise, all its estate, credits and effects, in the name of said corporation, to sell all its real and personal estate, and execute, acknowledge and deliver all deeds or other instruments in writing necessary to pass its title thereto, and to do such other acts as are necessary for the final settlements of its concerns, but for no other purpose whatsoever.

SECTION 2. This act shall take effect upon its passage.

Approved March 13, 1879.

Chap. 121

AN ACT to incorporate the Phoenix Brewing Company of Lawrence.

Be it enacted, etc., as follows:

Corporators.

SECTION 1. Thomas Carberry, Charles H. Nichols, John H. Nolan and George A. Mead, their associates and successors, are made a corporation by the name of The Phoenix Brewing Company, for the purpose of malting and brewing lager beer, with the powers and privileges and subject to the duties, restrictions and liabilities contained in the general laws which now are or hereafter may be in force and applicable to such corporations, and subject also to the laws which now are or hereafter may be in force in regard to intoxicating liquors.

Name and purpose.

Powers and duties.

SECTION 2. The capital stock of said corporation shall be one hundred thousand dollars. Capital stock.

SECTION 3. This act shall take effect upon its passage.

[The foregoing Act having been laid before the Governor on the 12th of March, and not returned by him with his objections within five days after receiving the same, as prescribed by the Constitution, had the force of law the 18th of March, 1879.]

AN ACT for the Protection of the Eel Fisheries in the Town of Edgartown. Chap. 122

Be it enacted, etc., as follows:

SECTION 1. Whoever takes, catches, or destroys any eels in any of the ponds or streams within the town of Edgartown in any other manner than by pots, spear, hand net, or hook and line, shall forfeit for every eel so taken, caught or destroyed, not less than one dollar nor more than five dollars; a half of said fine to be paid to the complainant. Eel fisheries regulated.

SECTION 2. All fines and penalties for violating this act, with costs, may be recovered, by complaint or action of tort, in any court of competent jurisdiction. Penalties.

SECTION 3. This act shall take effect upon its passage.

Approved March 20, 1879.

[1836, 42; 1837, 4; 1855, 289; 1856, 22; 1858, 129; 1859, 181; 1863, 120; 1872, 220; 1874, 136.]

AN ACT to extend to the City of Salem the Provisions of Chapter Nineteen of the General Statutes in Relation to the Construction of the Words "Mayor and Aldermen." Chap. 134

Be it enacted, etc., as follows:

SECTION 1. Section seventeen of chapter nineteen of the General Statutes is amended by striking out the word "city," and inserting instead thereof the word "cities," and by inserting after the word "Boston" the words "and Salem." Charter of city of Salem, words "mayor and aldermen" construed.

SECTION 2. This act shall take effect upon its passage.

Approved March 21, 1879.

[1878, 162.]

AN ACT to authorize the City of Salem to take Frye's Mills. Chap. 135

Be it enacted, etc., as follows:

SECTION 1. If, for the purpose of carrying off or otherwise disposing of any drainage, filth or pollution, the city of Salem shall find it advisable to take Frye's Mills, so City may take Frye's Mills and site in Mill-pond.

called, in said Salem, or any or all of the lands or flats connected therewith, and the privileges and franchises belonging and appurtenant thereto, and any or all of the flats in Frye's Millpond, said city is hereby authorized to take the same.

Description of
land to be filed
in registry of
deeds.

SECTION 2. The mayor of said city, within sixty days after the taking of any of the lands, real estate, franchises or water rights as aforesaid, shall file in the registry of deeds for the county of Essex a description thereof sufficiently accurate for identifying the same.

Liability for
damages.

SECTION 3. Said city of Salem shall be liable to pay all damages sustained by any persons or corporations in their property by the taking as aforesaid of any land, water, water rights, franchises or property. If any person or corporation sustaining damage as aforesaid cannot agree with said city upon the amount of said damages, such person or corporation may have them assessed and paid in the same manner as is provided by law with respect to land taken for highways.

SECTION 4. This act shall take effect upon its passage.

Approved March 21, 1879.

[1879, 148; 1880, 78.]

Chap. 136

AN ACT to incorporate the Fall River Insurance Brigade.

Be it enacted, etc., as follows:

Corporators.

SECTION 1. Samuel D. Howland, J. Augustus Remington, William S. Greene, Griffiths M. Haffards, Jeremiah M. Shepard, Jr., Albion K. Slade, Jr., and all other officers for the time being of any incorporated company or association and any agent doing the business of fire insurance in the city of Fall River, who may become associated with them, and their successors, are hereby created a body corporate by the name of the "Fall River Insurance Brigade," with power to sue and be sued, and may hold by purchase, devise, or otherwise, real or personal property, for the use of said corporation, to an amount not exceeding one hundred thousand dollars, and may sell and convey any part thereof, subject however to the laws of this Commonwealth.

Name.

Capital stock.

May maintain a
corps of men for
prevention and
discovery of
fires, etc.

SECTION 2. Said corporation shall have power to provide and maintain a corps of men, with proper officers, whose duty it shall be, so far as practicable, to discover and prevent fires; and shall provide suitable apparatus to

save and preserve life and property at or after a fire, and power is hereby granted to such corps and its officers to enter any building on fire, or which in their judgment is immediately exposed to or in danger of taking fire from other burning buildings, to protect and save life and property therein, and to remove such property or any part thereof at or immediately after a fire: *provided, however*, that nothing in this act shall be so construed as to lessen in any way the authority of the officers or members of the Fall River Fire Department, or to warrant or justify any interference with them in the performance of their duties, nor shall it in any way justify the owner of any building or personal property in the abandonment of his property.

Proviso.

SECTION 3. The officers and men of the Fall River Insurance Brigade, with their teams and apparatus, shall have the right of way, while going to a fire, through any street, lane or alley in the city of Fall River, subject to such rules and regulations as the city council may prescribe, and subject also to the rights of the Fall River Fire Department; and any violation of the street rights of the Fall River Insurance Brigade shall be punished in the same manner as is provided for the punishment of violations of the rights of the fire department of the city of Boston, in chapter three hundred seventy-four of the acts of the year eighteen hundred and seventy-three.

To have right of way while going to a fire, subject to rights of fire department.

SECTION 4. In the month of June, eighteen hundred and seventy-nine, and in the month of June in every year thereafter, there shall be held a meeting of the corporation hereby created, of which ten days' previous notice shall be inserted in at least two newspapers published in the city of Fall River, at which meeting each incorporated insurance company or association doing business in the city of Fall River, whether its officers or its agents be members of this corporation or not, shall have the right to be represented by one of such officers or agent, and each organization represented at such meeting shall be entitled to one vote. A majority of the whole number so represented shall have power to decide upon the question of sustaining the corps herein before mentioned, and of fixing the maximum amount of expenses which shall be incurred therefor during the fiscal year next to ensue; and the whole of such amount, or so much thereof as may be necessary, may be assessed upon the organizations belonging to this corporation, and upon all other organizations and agencies,

Meetings of the corporation.

Expenses.

Assessments
collectible in any
court of law.
Proviso.

as herein before mentioned, in proportion to the several amounts of premiums returned as received by each, as hereinafter provided, and such assessment shall be collectible by this corporation in any court of law in the Commonwealth: *provided*, that the premiums received for insuring buildings shall be subject to but a half of the rate of assessment laid on premiums received for insuring other property.

Payment of persons employed,
etc.

SECTION 5. To provide for the payment of persons employed and to maintain the apparatus for saving life and property contemplated, this corporation is empowered to require a statement to be furnished semi-annually by all corporations, associations, underwriters, agents, or persons, of the aggregate amount of premiums received for insuring buildings, and of the aggregate amount of premiums received for insuring other property in the city of Fall River, for and during the six months next preceding the first day of March and the first day of September of each year, which statement shall be sworn to by the president or secretary of the corporation or association, or by the agent or person so acting and effecting such insurance in said city, and shall be handed to the treasurer of this corporation within thirty days after the time to which such returns are to be made.

Treasurer may
require statement to be
made, of premiums, etc.,
received.

SECTION 6. It shall be lawful for the treasurer or other appointed officer of this corporation, within ten days after the first day of March and the first day of September in each year, by written or printed demand, signed by him, to require from every corporation, association, underwriter, agent, or person engaged in the business of fire insurance in the city of Fall River, the statement provided for in section five of this act; and every officer of such corporation or association, and every individual, agent, or underwriter, who shall for thirty days after such demand, neglect to render the account, shall forfeit fifty dollars for the use of the said corporation created by this act; and he shall also forfeit, for their use, five dollars in addition for every day he shall so neglect after the expiration of the said thirty days; and such additional penalty may be computed and recovered up to the time of the trial of any suit for the recovery thereof, which penalty may be sued for and recovered, with cost of suit, in any court of record within this state.

Penalties.

SECTION 7. This act shall take effect upon its passage.

Approved March 21, 1879.

[1860, 91.]

AN ACT for the better Protection of the Fishery of the Nine Mile Pond Fishing Company. *Chap. 137*

Be it enacted, etc., as follows :

SECTION 1. Whoever takes or catches any alewives in Centreville River, so called, in the town of Barnstable, between that part of said river where the mouth of the canal of the Nine Mile Pond Fishing Company opens into the same, and a point fifteen rods above said mouth, shall forfeit and pay a fine of not less than five, nor more than fifty dollars for each offence.

Alewife fishery
in Barnstable.

SECTION 2. Nothing herein contained shall be construed to authorize the taking of alewives by any person between said mouth of said canal and tide water.

Alewives not to
be taken be-
tween mouth of
canal and tide
water.

SECTION 3. This act shall take effect upon its passage.

Approved March 21, 1879.

[1881, 32.]

[1825, 112; 1836, 128; 1838, 181; 1841, 120; 1845, 203; 1846, 35; 1847, 82; 1849, 182; 1851, 320; 1852, 261; 1856, 207; 1861, 182; 1870, 148; 1875, 173.]

AN ACT to amend the Charter of the City of Lowell.

Chap. 138

Be it enacted, etc., as follows :

SECTION 1. Section twenty-six of chapter one hundred and seventy-three of the acts of the year eighteen hundred and seventy-five is hereby amended by striking out the words "owners thereof," in the twelfth and thirteenth lines, and inserting in place thereof the words "abutters thereon."

City charter.

Amendment to
1875, 173, § 26.

SECTION 2. Section twenty-seven of said chapter is hereby amended by inserting the words "the city," between the words "and" and "shall" in the sixth line.

Amendment to
1875, 173, § 27.

SECTION 3. This act shall take effect upon its passage.

Approved March 21, 1879.

[1880, 108; 1881, 99.]

AN ACT to incorporate the Hingham Water Company.

Chap. 139

Be it enacted, etc., as follows :

SECTION 1. John D. Long, Samuel Downer, Charles B. Barnes, E. Waters Burr, David Cushing, Junior, William J. Nelson, George P. Hayward, Ebed L. Ripley, Starkes Whiton, Elijah Shute, Edmund Hersey and George Cushing, their associates and successors, are hereby made a corporation by the name of the Hingham Water Com-

Corporators.

Name and
purpose.

pany, for the purpose of furnishing the inhabitants of Hingham with pure water for the extinguishment of fires, generation of steam, domestic and other purposes; with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force, so far as the same may be applicable to this corporation.

May take waters
of Accord Pond.

May take and
hold real estate.

May enter upon
and dig up
roads under
direction of
selectmen.

To file in regis-
try of deeds,
a description of
the land taken.

Assessment of
damages.

SECTION 2. Said corporation, for the purposes aforesaid, may take, hold and convey into and through the town of Hingham, or any part thereof, the waters of Accord Pond, so called, situate in the towns of Hingham, South Scituate and Rockland, and the waters which flow into and from the same, together with any water rights connected therewith; and may take and hold, by purchase or otherwise, any real estate necessary for the preservation and purity of the said waters, or for forming any dams or reservoirs to hold the same, and for laying and maintaining aqueducts and pipes for distributing the waters so taken and held; and for the purpose of making all needed repairs or service connections may lay its water pipes through any private lands, with the right to enter upon the same and dig therein, and for any of the purposes aforesaid may carry its pipes under or over any water course, street, railroad, highway or other way, in such manner as not unnecessarily to obstruct the same, and may, under the direction of the board of selectmen, enter upon and dig up any road or other way, in such manner as least to obstruct the same, for the purpose of laying or repairing its aqueducts, pipes, or other works, and in general may do any other acts and things necessary, convenient or proper for carrying out the purposes of this act.

SECTION 3. Said corporation shall, within ninety days after the taking of any land under this act, otherwise than by purchase, file in the registry of deeds for the county of Plymouth, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same is taken, signed by the president of the corporation; and the title of the land so taken shall vest in the said corporation.

SECTION 4. Any person or corporation injured in property by any of the acts of said corporation under this act, and failing to agree with said corporation as to the amount of damages, may have the same assessed and determined in the manner provided when land is taken for highways, but

no application shall be made to the county commissioners for the assessment of damages for the taking of water rights until the water is actually taken and diverted by said corporation. Any person whose water rights are thus taken or affected, may apply as aforesaid within three years from the time the water is actually withdrawn or diverted, and not thereafterwards, and no suit for injury to person shall be brought after two years from the alleged date of the receipt of injury.

Application to be made for damages, within three years.

SECTION 5. If any person shall use any of said water taken under this act without the consent of said corporation, or shall divert the water or any part thereof so taken, or corrupt the same or render it impure, or destroy or injure any dam, aqueduct, pipe, conduit, hydrant, machinery or other works or property held, owned or used by said corporation under the authority of, and used for the purposes of this act, he shall forfeit and pay to said corporation three times the amount of damage assessed therefor to be recovered in an action of tort; and on conviction of either of the acts aforesaid may be punished by a fine not exceeding three hundred dollars, or by imprisonment in jail not exceeding one year.

Penalty for diverting water or rendering it impure.

SECTION 6. Said corporation may distribute the water through said Hingham; may establish and fix from time to time rates for the use of said water and collect the same; and may make such contracts with the town of Hingham, or with individuals or corporations, to supply water for fire, or other purposes, as may be agreed upon by said town, individuals or corporation and said corporation.

May distribute water through town of Hingham.

SECTION 7. The said Hingham Water Company, for the purpose of supplying that part of the town of Hull called Nantasket and Nantasket Beach with pure water for domestic, fire and other purposes, is hereby authorized to extend its water pipes or conduits to the said Nantasket and Nantasket Beach and shall have the same rights and powers in and for these said localities that are granted it by the other sections of this act in and for the town of Hingham, whenever the said town of Hull shall, by a majority of the voters present and voting thereon at a town meeting duly called for the purpose, accept the provisions of this act so far as applicable to them: *provided*, that whenever for any reason the supply of water shall not be more than sufficient for the needs of the residents

May extend pipes to Nantasket and Nantasket Beach.

Proviso.

of the town of Hingham, the residents of the town of Hingham shall be first supplied.

Capital stock
and shares.

SECTION 8. The capital stock of said corporation shall not exceed one hundred and fifty thousand dollars, and shall be divided into shares of one hundred dollars each ; and said corporation may at any time issue bonds to an amount equal to the capital stock actually paid in.

Corporations
may take stock
in company.

SECTION 9. Manufacturing and other corporations doing any business in said towns of Hingham and Hull are hereby authorized to subscribe for and hold stock of said Hingham Water Company.

Town of Hing-
ham may take
stock.

SECTION 10. The town of Hingham may take and hold twenty-five per centum of the capital stock of said corporation, and have a proportionate voice in the management of the affairs of said corporation, provided it shall vote so to do by a two-thirds vote of the voters present and voting thereon at any legal meeting called for the purpose.

Town may pur-
chase property
and rights of
company.

SECTION 11. The town of Hingham shall have the right at any time during the continuance of the charter hereby granted, to purchase the corporate property, and all the rights and privileges of said company at the actual cost of the same, together with interest thereon at a rate not exceeding ten per centum per annum, said cost to include all actual loss or damage paid or suffered by said company for injury to person or property, deducting from said cost any and all dividends which may have been paid by said corporation, or at such a price as may be mutually agreed upon between said corporation and the town of Hingham ; and the said corporation is authorized to make sale of the same, and this authority to purchase said franchise and property is granted on condition that the same is assented to by said town by a two-thirds vote of the voters present and voting thereon at any annual meeting, or at a legal meeting called for that purpose.

Town may issue
scrip for defray-
ing cost of prop-
erty.

SECTION 12. For the purpose of defraying the cost of such property, lands, water and water rights, as shall be purchased for the purposes aforesaid, the town of Hingham through its treasurer may from time to time issue notes, bonds, scrip or certificates of debt, to be denominated on the face thereof "Hingham Water Loan," to an amount not exceeding the amount paid by the town for said purchase, and bearing interest at a rate not exceeding six per centum per annum, payable semi-annually ; and the principal being payable at periods not more than thirty years

Hingham Water
Loan.

from the issuing of said notes, bonds, scrip or certificates of debt respectively. Said treasurer, under the authority of the town, may sell such notes, bonds, scrip or certificates of debt, or any part thereof, from time to time, or pledge the same for any money borrowed for the purposes aforesaid, on such terms and conditions as he may deem proper, or as may be prescribed by the town. Said town may further make appropriations, and assess from time to time, amounts not exceeding in any one year the sum of five thousand dollars, towards payment of the principal of the money borrowed as aforesaid, and also a sum sufficient to pay the interest thereon in the same manner as money is assessed and appropriated for other town purposes.

Town may appropriate money for payment of principal and interest.

SECTION 13. In case the town of Hingham shall purchase the property, rights, privileges and franchises of the corporation established by this act, the said town shall exercise all the rights, powers and authority, and be subject to all the restrictions, duties and liabilities herein contained, in such manner, and by such officers, servants or agents as the town may direct, and the town shall be liable to pay all damages for land, water or water rights taken for the purposes set forth in this act which shall not have been previously paid by said corporation.

Liabilities of town in case of purchase.



SECTION 14. In case the town of Hingham shall accept chapter one hundred and thirty of the acts of the year eighteen hundred and seventy-six, within the time and in the manner therein provided, and shall also, within three months after so accepting the same, vote to construct the works contemplated therein, and to raise and appropriate the necessary sum of money therefor, this act shall be void, otherwise this act shall take effect at and upon the expiration of the time granted to said town in said chapter, within which to accept the same, and said chapter one hundred and thirty of the year eighteen hundred and seventy-six shall become void.

If town accepts chap. 130 of the acts of 1876, this act to be void.

Approved March 21, 1879.

[Accepted by H. Water Co. Aug 9, 1879.] [1881, 59.]

[O. C., 1876, 135. B. C. F. & N. B., 1873, 20; 1874, 159; 1875, 183.]

AN ACT to authorize the Boston, Clinton, Fitchburg and New Bedford Railroad Company to issue Bonds.

Chap. 140

Be it enacted, etc., as follows:

SECTION 1. The Boston, Clinton, Fitchburg and New Bedford Railroad Company, is hereby authorized by vote at a meeting called for the purpose, to issue bonds in sums

May issue bonds not exceeding \$3,500,000, for payment of outstanding debt.

Interest not to
exceed six per
cent.

of not less than one hundred dollars each, payable at periods not exceeding thirty years from the date thereof, and bearing interest not exceeding the rate of six per centum a year, payable semi-annually, to an amount not exceeding the sum of three million five hundred thousand dollars, the proceeds thereof to be used exclusively for the payment of the debt of the corporation now outstanding; and the interest upon all or any portion of said bonds may be secured by the Old Colony Railroad Company, by an agreement in writing thereon, according to the provisions of the existing lease, to said last named company of the Boston, Clinton, Fitchburg and New Bedford Railroad.

SECTION 2. This act shall take effect upon its passage.

Approved March 21, 1879.

[1880, 70 ; 1881, 170.]

[1876, 150.]

Chap. 141 AN ACT relating to Receipts and Expenditures of the Troy and Greenfield Railroad and Hoosac Tunnel.

Be it enacted, etc., as follows :

Receipts to be
paid monthly, to
the treasurer
and receiver-
general.

Proviso.

Manager to re-
port annually to
the legislature.

SECTION 1. The treasurer of the Troy and Greenfield Railroad and Hoosac Tunnel shall, every month or oftener, pay to the treasurer and receiver-general of this Commonwealth all moneys received on account of said railroad and tunnel, accompanied by a statement explanatory of the same; and he shall, within the first ten days of every month, deliver to the auditor of accounts, bills of all dues that may have become payable on account of said railroad and tunnel, with a statement of the particular account for which they were respectively incurred, and when allowed, the amounts of such bills may be paid upon the warrants of the governor and council to said treasurer or to the disbursing officer of said railroad and tunnel: *provided*, that there may be paid to said treasurer in advance, from the earnings of said railroad and tunnel, a sum not exceeding one thousand dollars, to be accounted for to the auditor of accounts in the monthly settlements of said treasurer.

SECTION 2. The manager of said railroad and tunnel shall make a report to the legislature annually, on or before the first Wednesday in January, of his doings and of the earnings and expenses of said railroad and tunnel, which report shall likewise contain a detailed estimate of

all sums to be required for the year next ensuing and the reasons for the same.

SECTION 3. Chapter two hundred and twenty-six of the acts of the year eighteen hundred and seventy-eight, and all acts or parts of acts inconsistent with this act, are hereby repealed. Repeal.

SECTION 4. This act shall take effect upon its passage.

Approved March 21, 1879.

[1872, 212 ; 1873, 140.]

AN ACT to authorize the Highland Street Railway Company to obtain Locations of Tracks in the Town of Brookline.

Chap. 143

Be it enacted, etc., as follows :

SECTION 1. The Highland Street Railway Company is hereby authorized to obtain locations of tracks in the town of Brookline.

May obtain locations of tracks in Brookline.

SECTION 2. The selectmen of said town shall have no authority to allow said company to use the tracks of any other street railway located in said town, neither shall they have authority to allow any other street railway to use the tracks of the Highland Street Railway which may be located in said town.

Street railways not to use tracks of other street railways.

SECTION 3. This act shall take effect upon its passage.

Approved March 21, 1879.

[1879, 151.]

AN ACT to incorporate the Worcester Continentals.

Chap. 144

Be it enacted, etc., as follows :

SECTION 1. William S. B. Hopkins, Joseph A. Titus, Edward J. Russell, Edwin A. Wood, Willard F. Pond, Frank A. Kelly, George A. Bates, C. M. Lamson, William G. Strong, George H. Harlow, M. E. Walker, Nathaniel Paine, W. F. Ewell, Charles D. Holmes, George F. Verry, A. P. Pond, A. M. Bigelow, Charles H. Bowker, and such other persons as may so elect, who are now associated as the Worcester Continentals of the City of Worcester, or may be hereafter associated with them, are hereby made a body corporate to be located at said city of Worcester, and to have the name of the Worcester Continentals, and as such body corporate shall have the privileges and be subject to the duties and liabilities set forth in all general laws now or hereafter enacted relating to such corporations.

Corporators.

Corporate name.

Objects of the corporation.

SECTION 2. The objects of this corporation shall be military organization, drill, discipline, and parade, and the preservation of military associations and spirit.

May make by-laws and regulations.

SECTION 3. The said corporation shall have power to make and adopt by-laws, rules and regulations, not inconsistent with the laws of this Commonwealth, for the admission, withdrawal, suspension and expulsion of members, and their government, the election of officers and prescribing their duties, and for the safe keeping of its property and funds, and from time to time to alter or repeal such by-laws, rules and regulations.

Real and personal property.

SECTION 4. The said corporation shall have the power to hold property, real and personal, to an amount not exceeding seventy-five thousand dollars.

May parade in public with side-arms.

SECTION 5. The members of said corporation may parade in public with side-arms.

SECTION 6. This act shall take effect upon its passage.

Approved March 21, 1879.

[1873, 269 ; 1876, 81.]

Chap. 145 AN ACT to extend the Time and to amend the Act for Building the Squantum Free Bridge.

Be it enacted, etc., as follows :

Time for building bridge, extended.

SECTION 1. The time fixed in section four of chapter two hundred and sixty-nine of the acts of the year eighteen hundred and seventy-three, for building and finishing the Squantum Free Bridge, is hereby extended five years, from the thirtieth day of March, in the year eighteen hundred and seventy-nine.

Corporators may assign their rights to city of Boston or to commissioners of Norfolk County.

SECTION 2. Said act is hereby amended so as to allow the corporators in said act to assign to the city of Boston, or to the county commissioners for the county of Norfolk, or both, all their rights and authority under said act, in case either the said city of Boston, or the said county commissioners, or both jointly, shall determine to construct and maintain said bridge, under the second section of said act ; and said act is also so amended that sections one and three of said act shall have no binding effect upon either the said city of Boston, or the said county commissioners.

SECTION 3. This act shall take effect upon its passage.

Approved March 21, 1879.

Chap. 146 AN ACT to amend " An Act to establish the City of Somerville."

[Rejected November 4, 1879.]

[1872, 345 ; 1873, 75 ; 1874, 206, 243.]

AN ACT to preserve the Purity of the Water Supply of the City of Springfield. *Chap. 147*

Be it enacted, etc., as follows :

SECTION 1. No person shall take any fish from any reservoir or canal held or owned by the city of Springfield for the purpose of supplying the inhabitants of said city with water, without the permission of the board of water commissioners of said city.

Fish not to be taken from reservoir without consent of commissioners.

SECTION 2. No person shall put or place any boat in or upon the waters of any of the reservoirs or canals aforesaid, without the permission of said board of water commissioners.

Boats not to be put in reservoirs without consent, etc.

SECTION 3. Whoever violates any provisions of this act shall be punished by a fine of not less than two nor more than fifty dollars, to be recovered on complaint before any court of competent jurisdiction.

Penalties.

SECTION 4. This act shall take effect upon its passage.

Approved March 25, 1879.

[1880, 30.]

AN ACT to authorize the City of Salem to construct a Main Drain or Sewer in the North River.

Chap. 148

[Rejected August 18, 1879.]

AN ACT in relation to licensing Vehicles to convey Persons to and from the State Muster-field in the Town of Framingham.

Chap. 149

Be it enacted, etc., as follows :

SECTION 1. Either the adjutant-general or the selectmen of the town of Framingham may license vehicles used in conveying persons for pay to or from the state muster-field in the town of Framingham, upon such terms and conditions as he or they deem reasonable; and the party granting any such license may revoke and suspend the same at pleasure, and the fee for each license shall be twenty-five cents, to be paid into the town treasury.

Vehicles for conveyance of passengers to and from state muster-field in Framingham, to be licensed.

SECTION 2. Whoever uses or causes to be used any vehicle or vehicles for conveying any person or persons for pay to or from the state muster-field in the town of Framingham, during the time any portion of the volunteer militia is encamped thereon as provided by law, without such license, shall be punished by a fine not exceeding twenty dollars for each offence.

Penalty for using vehicle without a license.

SECTION 3. This act shall take effect upon its passage.

Approved March 25, 1879.

[1881, 73.]

Chap. 150 AN ACT to authorize the Construction of a Dike in the Town of Westfield.

Be it enacted, etc., as follows:

Town may construct a dike on south side of Westfield Great River.

SECTION 1. The inhabitants of the town of Westfield are hereby authorized to locate and construct, in the town of Westfield, a dike on the south side of Westfield Great River, for the purpose of protecting highways and other property, public and private, from damage in times of freshets and flood, and after its construction to maintain, repair and rebuild the same.

Meeting to be held to hear parties concerning location.

SECTION 2. Before proceeding to locate said dike, said town shall cause to be published for two successive weeks, in The Western Hampden Times and News Letter, a notice of the time and place at which they will meet to fix and determine the location of said dike, and hear all parties in relation to the same. In locating said dike, said town may fix and determine the number of private crossings, and the place and manner in which, and the persons by whom, such crossings shall be constructed and thereafter maintained; and no person shall cross said dike with teams or animals at any other place than at such private crossings. A description of the location of the dike with such private crossings shall be recorded in the office of the town clerk of Westfield and in the registry of deeds for the county of Hampden, within thirty days from such determination. No private crossing shall be thereafter established over said dike except in the mode prescribed by law for the location of private ways.

Private crossings.

Description of location to be recorded.

Town may enter upon lands, and take soil, etc., therefrom.

SECTION 3. Said town, or any person employed by, or acting under any contract or authority from said town, to construct, repair or rebuild said dike, shall have authority at any and all times, to enter upon the lands on which said dike may be located, and upon any land adjoining or in the vicinity of said dike, and to take and remove therefrom the soil and other material which may be needed to construct, maintain, repair and rebuild said dike.

Determination of damages.

SECTION 4. Within two months after the completion of said dike, or after the completion of any repairs thereon, or any rebuilding of said dike, said town shall determine the amount of damages sustained by each of the owners of land so entered upon, and shall, as soon as practicable thereafter, give to said owners notice of such determination, by giving to each owner a copy in writing of such determination, and when such owner is not a resident of

Westfield, by mailing a copy, postage prepaid, addressed to such owner at his place of abode, if known to the person giving such notice, and when such owner or his place of abode is not known, by posting a copy on or near the premises so entered upon, and shall also deposit a list of such owners with the amount of damages awarded to each, in the office of the town clerk of Westfield. In estimating said damages there shall be allowed by way of set-off, the benefit, if any, to the property of the party by reason thereof.

Betterments.

SECTION 5. Within two months after notice has been given as aforesaid, and said list has been deposited as aforesaid, any person or corporation aggrieved by such determination, may apply for a jury to revise such determination, and the proceedings thereupon shall be the same as in the case of a jury called to revise the judgment of the county commissioners in awarding damages for laying out, altering or discontinuing highways: *provided*, such applications shall contain specifications of the objections of the party applying for a jury to the determination of the town, to which specifications the party shall be confined at the hearing before the jury. If upon the hearing, the jury do not increase the amount allowed as damages by the town, the costs incurred by reason of the application shall be paid by the person who recognizes for the payment of costs, otherwise such costs shall be paid by the town. Any person or corporation, who shall neglect to make application as herein provided, shall be concluded upon the question of damages by the determination of the town: *provided*, that any person not a resident of the town of Westfield who shall not have seasonably received said notice of said determination and who shall be aggrieved by said determination may apply for a jury as aforesaid at any time within one year after said list has been deposited as aforesaid.

Parties
aggrieved may
apply for a jury.

Proviso.

Proviso.

SECTION 6. Said town is hereby authorized to enter upon any lands in said town lying between the banks of said river, or contiguous thereto, and cut down and carry away any trees or bushes there growing or being, and remove and carry away any logs, drift wood, stones, earth or other obstructions which may impede the free passage of water down the channel or along the banks of said river, and shall have authority to enter upon a certain tract of land in said Westfield called the Town Island and be-

Town may cut
down trees, and
remove obstruc-
tions from the
river.

May make a

channel through
Town Island.

tween the old Pochassie road and the extreme south bank of said river, and dig and excavate a channel for the passage of water through said tract, and maintain and keep open said channel at all times thereafter, and also to cut down and remove any trees or brush growing on said tract, and to remove and carry away any logs, stones, earth or other material on said tract, at any and all times hereafter, which shall hinder the free passage of water down said river, but this section shall not authorize the removal of any dam, bridge, or building, in or across said river or upon the bank thereof.

Damages.

SECTION 7. If any damages are sustained by any party under the provisions of the preceding section, the amount thereof shall be determined and notice shall be given, a list deposited and the party aggrieved entitled to a jury in like manner as is provided in sections four and five of this act.

Town may purchase lands, etc.

SECTION 8. Said town may take by purchase, and hold any lands needed to carry into effect the provisions of this act. The dike constructed under the provisions of this act shall be the property of the town. All damages sustained by any party and all expenses incurred by said town under this act shall be borne and paid by said town, and the amount thereof assessed and collected as other town taxes are assessed and collected.

Dike to be property of the town.

Authority conferred may be exercised by a committee.

SECTION 9. All authority conferred upon said town under this act may be exercised by any special committee of the inhabitants of said town, chosen at any legal town meeting specially called for that purpose.

Penalties for injuring dike.

SECTION 10. Any person who shall wilfully injure said dike shall be punished by a fine not exceeding two hundred dollars, or by imprisonment in the house of correction not exceeding two years, and shall be liable to said town in an action of tort for all damages.

SECTION 11. This act shall take effect upon its passage.

Approved March 25, 1879.

[1879, 249.]

[1879, 143.]

Chap. 151 AN ACT to authorize the Highland Street Railway Company to increase its Capital Stock.

Be it enacted, etc., as follows :

May increase capital stock.

SECTION 1. The Highland Street Railway Company is hereby authorized to increase its capital stock to an amount not exceeding one million of dollars.

SECTION 2. Three hundred thousand dollars of said stock shall be applied to the payment or redemption of the bonds of said company already issued under the following named dates, to wit:—the fifth day of August in the year eighteen hundred and seventy-three, the first day of May in the year eighteen hundred and seventy-seven, and the first day of January in the year eighteen hundred and seventy-eight, at or before maturity; and the issue of said bonds is hereby legalized and made valid, and the holders thereof may convert them into stock as said bonds mature, unless redeemed by the company before maturity.

Issue of bonds legalized.

SECTION 3. This act shall take effect upon its passage.

Approved March 25, 1879.

AN ACT to incorporate the International Trust Company.

Chap. 152

Be it enacted, etc., as follows:

SECTION 1. William Gaston, Charles Marsh, Patrick A. Collins, Samuel Carr, William T. Parker, their associates and successors, are hereby made a corporation by the name of the International Trust Company, to be located at Boston, for the purpose of receiving on deposit money, government securities, stocks, bonds, coin, valuable papers, documents and evidences of debt, and of collecting and disbursing the principal, interest and income of said property; and may act as agents for the purpose of registering and countersigning bonds, stocks, certificates or evidences of debt.

Corporators.

Name and purpose.

SECTION 2. The capital stock of this corporation shall be one hundred thousand dollars, with the right to increase the same to five hundred thousand dollars, and to commence business when the sum of one hundred thousand dollars shall have been paid in in cash. No certificate of shares shall be issued until the par value of such shares shall have been paid in in cash. When the deposits exceed the sum of one million of dollars, the capital stock shall be increased from time to time in the ratio of ten thousand dollars to each one hundred thousand dollars of deposits or the major part thereof, until the whole of the capital stock hereby authorized shall have been subscribed and paid in in cash.

Capital stock and shares.

SECTION 3. Said corporation shall at all times have on hand, as a reserve, United States bonds and lawful money to an amount equal to at least fifty per centum of the aggregate amount of all its deposits which are subject to withdrawal upon demand: *provided*, in lieu of

To have a reserve on hand equal to fifty per cent of its deposits.

[Repealed, 1881, 87.] lawful money one-third of said fifty per centum may consist of balances payable on demand due from any national bank or banks doing business in this Commonwealth.

Courts, trustees, etc., may make deposits.

SECTION 4. Any administrator, assignee, guardian or trustee, any court of law or equity, including courts of probate and insolvency, may deposit or direct any moneys, bonds, stocks, coin, valuable papers, documents and evidences of debt to be deposited with said corporation.

Loans and investments.

SECTION 5. All moneys received under the provisions of this act shall be loaned on or invested only in the authorized loans of the United States, or of the State of New York or of the New England States, or of the authorized loans of the counties, cities and towns of the New England States, contracted for county or municipal purposes.

Commissioners of savings banks to have supervision.

SECTION 6. The commissioners of savings banks shall inspect, examine and inquire into the affairs, have access to the vaults, books and papers, of said corporation; and said corporation shall make returns to the savings bank commissioners in such manner as may be prescribed by them, once in each year at least, and at other times when said commissioners shall by written notice direct the same to be made, and to the same extent as if this corporation were a savings bank.

Subject to provisions of 1866, 283.

SECTION 7. Said corporation shall be subject to the provisions of chapter two hundred and eighty-three of the acts of the year eighteen hundred and sixty-five and any acts now existing, or which may hereafter be passed in amendment or lieu thereof.

Returns to be made to the tax commissioner under oath.

SECTION 8. Said corporation shall also annually, between the first and tenth days of May, return to the tax commissioner, a true statement, verified by the oath of the president and treasurer of the corporation, of the amount of all sums deposited with it on interest other than those specified in section ten of this act; together with the name of every city and town in this Commonwealth where any beneficial owner resided on said first day of May, and the aggregate amount of such deposits then held for the benefit of persons residing in each of such cities and towns under a like penalty. Said corporation shall annually pay to the treasurer of the Commonwealth a sum to be ascertained by assessment by the tax commissioner upon an amount equal to the total value of such deposits at three-fourths of the rate ascertained and determined by

him under section five of chapter two hundred and eighty-three of the acts of the year eighteen hundred and sixty-five and acts in amendment thereof.

SECTION 9. No taxes shall be assessed in any city or town, for state, county or town purposes, upon or in respect of any such property held in trust or any such amounts deposited on interest, or for investment; but such proportion of the sum so paid by said corporation as corresponds to the amount of such property held for beneficiaries or payable to persons resident in this Commonwealth, shall be credited and paid to the several cities and towns where it appears from the returns or other evidence that such beneficiaries resided on the first day of May next preceding, according to the aggregate amount so held for beneficiaries and persons residing in such cities and towns respectively; and in regard to such sums so to be assessed and paid as aforesaid, said corporation shall be subject to sections eleven, twelve and thirteen, the last paragraph of section fifteen and section seventeen of chapter two hundred and eighty-three of the acts of the year eighteen hundred and sixty-five and acts in amendment or lieu thereof, so far as the same are applicable thereto.

Taxation.

SECTION 10. Deposits with said corporation which can be withdrawn on demand or upon not exceeding ten days' notice, shall, for purposes of taxation, be deemed money in possession of the person to whom the same is payable.

Deposits withdrawable on demand, to be deemed money in possession of depositor.

SECTION 11. The shareholders of this corporation shall be individually responsible equally and ratably, and not one for the other, for all contracts, debts and engagements of said corporation, to the extent of the amount of their stock therein, at the par value thereof, in addition to the amount invested in such shares.

Liabilities of stockholders.

SECTION 12. This corporation shall be subject to the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force applicable to such corporations.

Duties and liabilities of corporation.

SECTION 13. This act shall take effect upon its passage.

Approved March 25, 1879.

[Accepted July 19, 1879.] [1881, 67.]

AN ACT to incorporate the Massachusetts Public Health Association.
Be it enacted, etc., as follows:

Chap. 153

SECTION 1. Edward Everett Hale, Henry I. Bowditch, Alexander D. Sinclair, William Gaston, Charles R. Cod-

Corporators.

man, Martin Brimmer, Robert Treat Paine, Jr., John G. Cushing, Arthur Lincoln, John Cummings, Francis H. Peabody, James H. Blake, Nathaniel J. Bradlee, William Watson, Rufus S. Frost, Elisha S. Converse, Samuel B. Rindge, Amory A. Lawrence, E. F. Bowditch, John C. Phillips, Nathan Appleton, Hamilton A. Hill, Francis Shaw, George T. Angell and William Emerson Baker, their associates and successors, are hereby made a corporation by the name of The Massachusetts Public Health Association, for the purpose of taking measures for protecting and improving the health of the people of this Commonwealth, with all powers, rights and privileges conferred, and subject to all duties, limitations and restrictions imposed, by general laws upon corporations established for benevolent or charitable purposes.

SECTION 2. The said corporation may hold real estate to an amount not exceeding one hundred thousand dollars, and personal estate to an amount not exceeding one hundred thousand dollars, and may lease, hold, purchase or erect suitable buildings for its accommodation; but said real and personal estate shall not be exempted from taxation.

SECTION 3. This act shall take effect upon its passage.

Approved March 25, 1879.

[1874, 271; 1875, 106; 1876, 184, 240; 1877, 187.]

Chap. 154 AN ACT relating to the Civil Jurisdiction of the Municipal Court of the City of Boston.

Be it enacted, etc., as follows:

Civil jurisdiction of the court. The civil jurisdiction of the municipal court of the city of Boston, subject to the same limitations as to amounts as are now provided by law, and when the plaintiff resides or has his usual place of business within the county of Suffolk or resides out of the Commonwealth, shall include personal actions wherein the defendant is not an inhabitant of the state: *provided*, that personal service of the writ, or an effectual attachment of property, be made within the county of Suffolk.

Approved March 25, 1879.

[1879, 257; 1881, 10, 62, 261.]

Chap. 162 AN ACT to amend the Charter of the City of New Bedford.

[Rejected May 27, 1879.]

[1878, 243.]

AN ACT in addition to "An Act in relation to Registration and Elections in the City of Boston."

Chap. 163

Be it enacted, etc., as follows:

SECTION 1. On or before the first day of May in the current year the board of assessors of taxes in the city of Boston shall divide the wards numbered twenty-three, twenty-four and twenty-five of said city into the same number of voting precincts to which said wards were entitled, under chapter two hundred and forty-three of the acts of the year eighteen hundred and seventy-eight; said division to have reference to convenience of neighborhoods, and to remain in force until the new division of wards shall take effect as provided in said chapter two hundred and forty-three.

Voting precincts in wards 23, 24, and 25, in city of Boston.

SECTION 2. The wardens and clerks chosen in the several voting precincts of the city of Boston at the last state election shall hold their respective offices until the next annual city election, and until their successors are chosen. In case any ward shall be divided into new voting precincts under the provisions of this act, the wardens and clerks chosen within the limits of such wards at the last state election shall, until others are chosen, act in the voting precinct which shall bear the same numerical designation as that for which they were respectively chosen at said state election. The mayor and aldermen shall, previous to any election during the current year, appoint from the legal voters in each additional voting precinct which may be established, one warden, one clerk and two inspectors. The inspectors so appointed shall be selected from different political parties, and all such officers shall hold office until others are chosen in their place as now provided by law.

Wardens and clerks to hold office until successors are chosen.

Wardens and clerks, in wards divided into new precincts.

Warden, clerk and inspectors to be appointed, etc.

SECTION 3. This act shall take effect upon its passage.

Approved March 26, 1879.

[1880, 225; 1881, 221, 291.]

AN ACT to authorize the Town of Cummington to raise Money for celebrating the Centennial Anniversary of its Incorporation.

Chap. 164

Be it enacted, etc., as follows:

SECTION 1. The town of Cummington is hereby authorized to raise money by taxation to an amount not exceeding five hundred dollars, for the purpose of commemorat-

Town may raise money for commemorating centennial anniversary.

ing, on the twenty-third day of June in the year eighteen hundred and seventy-nine, the centennial anniversary of its incorporation, and for publishing the doings of said celebration; and the vote of said town to that effect passed on the third day of March of this year is hereby legalized, ratified and made valid.

SECTION 2. This act shall take effect upon its passage.

Approved March 26, 1879.

[1876, 194.]

Chap. 165 AN ACT to provide for supplying the State Prison at Concord with Pure Water.

Be it enacted, etc., as follows:

Water supply
for state prison.

The governor and council are hereby authorized to contract with any person or corporation to supply the state prison at Concord with pure water, for such compensation and for such term of time as the governor and council shall deem to be for the interest of the Commonwealth.

Approved March 28, 1879.

[1879, 175.]

Chap. 166

AN ACT relating to Sewerage in the City of Chelsea.

Be it enacted, etc., as follows:

May take land
for purposes of
health and
drainage.

SECTION 1. The city of Chelsea shall have authority, in addition to the powers now possessed by it, for the purpose of laying and maintaining a main sewer, to drain the westerly portion of said city, to take any lands, or any portion of Island End River lying east of the dike, so called, and within the limits of said city, that may be necessary for the purpose of laying out, constructing and maintaining a storage basin or reservoir to be used as an overflow for storm water from said sewer, and for such other purposes of health and drainage as may be found necessary. Said city shall have the right to construct and maintain such tide gates, pipes, conduits, sewers and other structures within the limits of said city, as may be necessary for the construction, maintenance and utilization of such basin, and may use the same as a flushing basin for the improvement of the channel of said Island End River.

May maintain
tide gates and
other structures.

Chelsea and
Everett may
support a sewer
in common.

SECTION 2. The city of Chelsea and the town of Everett may contract with each other for the construction, use and support in common of any sewer, in either said city or town, or in both, that may be necessary for the

drainage of any territory bordering on the boundary line between said city and town.

SECTION 3. All damages for lands and buildings taken or injured under this act, in case the parties cannot agree, shall be ascertained in the same manner prescribed by law in the case of land taken for highways, and shall be paid by said city. Damages.

SECTION 4. Said city shall have the right to fill or order filled any portion of said river lying east of said dike, for the improvement of its drainage or the health of its inhabitants; and said city shall further have the right to fill or otherwise improve said basin if it may subsequently become unnecessary as a part of its system of sewerage. City of Chelsea may fill river east of dike.

SECTION 5. This act shall not be construed to grant an interminable right to discharge sewage into Island End River, but the legislature may, from time to time, regulate and determine by law the disposition to be made of such sewage, for the purpose of protecting the public health, and especially that of the inhabitants of Chelsea and Everett, and preventing the existence of a nuisance, any thing in this act to the contrary notwithstanding; nor shall this act be construed to deprive the town of Everett of any existing right to use said river for drainage purposes. An interminable right not granted.

SECTION 6. This act shall take effect upon its passage.

Approved March 28, 1879.

AN ACT to authorize the Appointment of a Special Harbor Master at Oak Bluffs, Martha's Vineyard.

Chap. 167

Be it enacted, etc., as follows:

SECTION 1. The harbor commissioners may appoint a special harbor master for Oak Bluffs, Martha's Vineyard, and make such rules and regulations for the discharge of his duties as they may deem expedient, subject to the general laws of the Commonwealth. Special harbor master for Oak Bluffs.

SECTION 2. The compensation of the harbor master, provided by section one of this act, shall be such as may be determined by the Oak Bluffs Land and Wharf Company and the railroad and steamboat companies using the wharves at Oak Bluffs, and shall be paid by said companies in such proportion as they may mutually determine. Compensation.

SECTION 3. This act shall take effect upon its passage.

Approved March 28, 1879.

Chap. 173 AN ACT to set off a Part of the City of Taunton to the Town of Berkley.

Be it enacted, etc., as follows :

Part of Taunton
annexed to
Berkley.

SECTION 1. All that part of the city of Taunton, with the inhabitants and estates therein, lying southerly of the following line, to wit :— Beginning at the easterly corner of the town of Berkley, thence running south forty-eight degrees east to a stake in the line of the town of Lakeville for a corner, is hereby set off from the city of Taunton and annexed to the town of Berkley.

Taxes assessed
to be paid to
city of Taunton.

SECTION 2. All taxes already assessed and that may be assessed before this act is accepted by the town of Berkley, by the city of Taunton upon the inhabitants of said territory hereby set off and annexed, shall be paid by them to said city of Taunton as if this act had not been passed.

Town of Berk-
ley to pay to
Taunton cer-
tain taxes until
new apportion-
ment.

SECTION 3. The town of Berkley shall annually pay to the city of Taunton, from and after the time this act shall take effect, the proportionate part of state and county taxes thereafter required to be assessed upon the inhabitants and territory hereby set off, previous to a new state valuation or new basis for the apportionment of state and county taxes.

Support of
paupers.

SECTION 4. The town of Berkley shall be liable for the support of all persons who now or shall hereafter stand in need of relief as paupers, whose settlement was acquired from the territory hereby annexed to said town.

Town of Berk-
ley to pay to
city of Taunton
eight hundred
dollars.

SECTION 5. The town of Berkley shall, within three months after this act is accepted by said town, pay to the city of Taunton the sum of eight hundred dollars, and this sum shall be a full settlement of all claims against the town of Berkley growing out of the provisions of this act; and the schoolhouse and lot with the furniture and fixtures therein and all other public property of the city of Taunton situate in the territory hereby annexed shall hereafter vest in said town of Berkley.

Act void unless
accepted within
six months.

SECTION 6. This act shall take effect upon its passage, and shall be null and void unless accepted within six months by a majority vote of the legal voters of said town of Berkley present and voting at a legal meeting called for that purpose, at which meeting the check list shall be used and the voting of such meeting shall be by ballot, written or printed "yea" or "nay."

Approved April 1, 1879.

[Accepted by Berkley, April 12, 1879.]

AN ACT to annex a Portion of the Town of Dracut to the City of Lowell. *Chap. 174*

Be it enacted, etc., as follows:

SECTION 1. So much of the town of Dracut in the county of Middlesex, with all the inhabitants and estates thereon, thus bounded and described, to wit:— Beginning at a stone bound marked “D and L” on the boundary line between said town and said city and about two feet westerly from Totman Street; thence north thirty-eight degrees twenty-five minutes west two hundred and forty-five and seventy-eight one-hundredths rods to a stone bound which stands in the boundary line between the towns of said Dracut and Tyngsborough; thence north eighty-seven degrees twenty-five minutes west one hundred and fifty-three and ninety-four one-hundredths rods along the boundary line of said Tyngsborough to a stone at an angle in said line; thence south thirty-three degrees west one hundred and eighty-nine and sixty-six one-hundredths rods along the boundary line of said Tyngsborough to a stone post in Scarlet Brook, so called; thence in a south-easterly direction down said brook eighty-seven rods along the boundary line of said Tyngsborough to a stone bound at the boundary line of the city of Lowell; thence north eighty-five degrees forty-five minutes east along said last line three hundred and seventy-one and thirty-three one-hundredths rods to the point of beginning,— is hereby set off from the town of Dracut, and annexed to the city of Lowell, and shall constitute a part of the fifth ward thereof until a new division of wards is made.

Part of town of Dracut annexed to the city of Lowell.

SECTION 2. The territory and the inhabitants thereon hereby annexed to the city of Lowell shall be holden to pay all such taxes as are already assessed by said town of Dracut in the same manner as if this act had not been passed; and all paupers who have gained a settlement in said town by a settlement gained or derived within said territory shall be relieved or supported by said city in the same manner as if they had a legal settlement in said city: *provided*, that John Ditson shall not become a charge to the said city of Lowell but shall be and continue a charge upon said town of Dracut.

Payment of assessed taxes.

Support of a pauper.

SECTION 3. The inhabitants upon the territory hereby annexed to the city of Lowell shall continue to be a part of the town of Dracut for the purpose of electing representatives to the general court, until the next apportion-

Election of representatives to the general court.

ment shall be made; and it shall be the duty of the mayor and aldermen of said city to make a true list of the persons on the territory hereby annexed, qualified to vote at such elections, and post up the same in said territory and correct the same as required by law, and deliver the same to the selectmen of said town seven days at least before any such election, and the same shall be taken and used by the selectmen of said town for such election in the same manner as if it had been prepared by themselves.

Approved April 1, 1879.

[1876, 194.]

Chap. 175 AN ACT to authorize the Fitchburg Railroad Company to extend a Branch Railroad over Land of the Commonwealth at Concord.

Be it enacted, etc., as follows:

May construct
branch track
over Common-
wealth's land as
far as state
prison yard.

SECTION 1. Whenever the Fitchburg Railroad Company shall, pursuant to the provisions of the general laws applicable thereto, locate and construct a branch track or tracks from its main tracks in Concord near the crossing of the Framingham and Lowell Railroad Company, to the lands of the Commonwealth adjacent to the state prison, said Fitchburg Railroad Company may, subject to the approval of the inspectors of said prison, and upon payment of such compensation as may be prescribed by the county commissioners for the county of Middlesex, locate and extend said branch track or tracks over lands of the Commonwealth as far as the state prison yard, and connect the same with the track of the Commonwealth at the rear gate of said yard: *provided*, that the governor and council may make and enforce any rules with regard to the use of the tracks and may cause said branch track or tracks over the Commonwealth's land to be removed at any time, and may discontinue the further use thereof by said Fitchburg Railroad Company.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved April 1, 1879.

[1876, 128; 1878, 210.]

Chap. 189 AN ACT in relation to the Grade Crossing of the Vermont and Massachusetts, and Connecticut River Railroads in Deerfield.

Be it enacted, etc., as follows:

Vermont and
Massachusetts
and Connecticut

SECTION 1. The Fitchburg Railroad Company and the Connecticut River Railroad Company may provide, by

agreement, for altering, and may alter according to their agreement, the construction of the Vermont and Massachusetts Railroad and of the Connecticut River Railroad in such way that the one railroad may pass under the other at their grade crossing near Cheapside Bridge in Deerfield, and the Fitchburg Railroad Company may relocate such part of the Vermont and Massachusetts Railroad, and the Connecticut River Railroad Company such part of its railroad as may be necessary therefor, and either of such railroad companies may take such land in Deerfield as may be necessary for the purpose aforesaid, and may retain its present land for side tracks: *provided*, that the method of obviating said grade crossing agreed upon by said companies and the alterations proposed and the quantity and width of the land to be taken therefor shall be approved by the railroad commissioners.

River Railroads in Deerfield; either road may pass under the other at crossing.

Proviso.

SECTION 2. All persons sustaining damages by reason of the alterations hereby authorized shall have the same rights and remedies as are provided by general law for persons sustaining damage by the laying out and making of a railroad.

Damages.

SECTION 3. If it shall be necessary for the purposes of this act to take any land at or near the former junction of the Troy and Greenfield and Vermont and Massachusetts Railroads in said Deerfield, in which the Commonwealth may have an interest, the consent of the Commonwealth to such taking of land as may be necessary for the purposes of this act, so far as the interest of the Commonwealth therein is concerned, may be given by the governor and council, on payment of such sum of money as they may deem proper into the treasury.

Land of Commonwealth may be taken with consent of the governor and council.

Approved April 2, 1879.

[1879, 261.]

AN ACT relating to the Election of Assessors and Assistant Assessors in the City of Cambridge.

Chap. 190

[Rejected November 4, 1879.]

AN ACT to authorize the Appointment of a Harbor Master for the Port of Lynn.

Chap. 191

Be it enacted, &c., as follows:

SECTION 1. The mayor and aldermen of the city of Lynn may, if they deem it expedient, annually appoint from the police force a harbor master for the port of Lynn,

Harbor master for the port of Lynn.

who before entering upon the duties of his office shall be sworn. He shall hold his office for one year and until another shall be appointed in his place, or until he shall be removed by said mayor and aldermen; and in case of the sickness or disability of said harbor master, he may appoint a deputy from the said police force subject to the approval of said mayor and aldermen, to perform his duties during such sickness or disability; and said harbor master shall not be allowed or paid out of the city treasury any salary for his services as harbor master.

Powers and duties.

SECTION 2. It shall be the duty of said harbor master to enforce all laws of the Commonwealth relating in any way to said harbor. And said harbor master shall also have authority so to regulate the anchorage of vessels, that any and all vessels may pass to and from the wharves unobstructed, and in case any vessel or vessels shall in the judgment of said harbor master obstruct said passage, he may order the removal of any such vessel or vessels, and cause the same to be removed in obedience to such order at the expense of the master or owners thereof, and if any person shall obstruct said harbor master in the performance of his duties or refuse to obey any lawful order made by said harbor master, he shall be liable to a penalty of not exceeding twenty dollars for each offence, to be recovered by indictment, for the use of the city of Lynn.

Penalty for obstructing harbor master in the performance of his duties.

SECTION 3. This act shall take effect upon its passage.

Approved April 2, 1879.

Chap. 192 AN ACT to legalize the Action of the Town Meeting of Barnstable held the Third Day of March in the Year Eighteen Hundred and Seventy-nine.

Be it enacted, etc., as follows :

Action at annual meeting legalized.

SECTION 1. The action of the town of Barnstable at its last annual meeting, held on the third day of March in the year eighteen hundred and seventy-nine, and all its votes at said meeting are hereby ratified, legalized and made valid.

SECTION 2. This act shall take effect upon its passage.

Approved April 2, 1879.

AN ACT to confirm and make valid the Election and Organization of
 "The Trustees of the Egleston Square Methodist Episcopal
 Church" in Boston. *Chap. 194*

Be it enacted, etc., as follows:

SECTION 1. The election and organization of "The Trustees of the Egleston Square Methodist Episcopal Church" in Boston, to wit: Sidney L. Burr, Samuel N. Ryder, Abner L. Baker, Russell R. Knapp, Albert B. Putney, William G. Lavers, Vincent Ballard, John H. Alton and Joseph B. Hamblen, senior, as a corporation, which was effected on the fourth day of February in the year eighteen hundred and seventy-eight under the general laws, and all gifts, devises, bequests and conveyances to them, or it, as a corporation, of real or personal estate, and all conveyances of real or personal estate, and all contracts made by, and subsequent proceedings of, said trustees, as a corporation, are hereby ratified and confirmed and the same shall be taken to be good and valid in law to all intents and purposes whatsoever, and the several persons now appearing by the records of said corporation to have been chosen as officers thereof are hereby authorized to perform all their respective official duties until their successors shall be chosen and qualified; and all acts done and performed by said officers in their supposed official capacities as officers of said corporation or by committees are hereby fully ratified, confirmed, and made valid in law to all intents and purposes whatsoever.

Election and organization confirmed.

Election of officers made valid.

SECTION 2. The corporate name of said corporation shall be "The Trustees of the Egleston Square Methodist Episcopal Church in Boston."

Corporate name.

Approved April 2, 1879.

AN ACT to supply the Village of Foxborough with Pure Water.

Chap. 196

Be it enacted, etc., as follows:

SECTION 1. The inhabitants of the village of Foxborough in the county of Norfolk, liable to taxation in the town of Foxborough, and residing within a radius of half a mile from the centre of the public common in said village, shall constitute a water district, and are made a body corporate by the name of The Foxborough Water Supply District, for the purpose of supplying themselves with pure water for extinguishing fires, and for manufacturing, domestic and other uses, with power to take and hold property for the purposes mentioned in this act, and to

Foxborough Water Supply District, made a body corporate.

prosecute and defend in all actions relating to the property and affairs of the district.

May take water from Governor's Brook.

SECTION 2. Said district for the purpose aforesaid is authorized to convey water within its limits, to establish public fountains and hydrants and regulate or discontinue their use, and to fix and collect rents for the use of such water; and it may take and hold the water, with the water rights connected therewith, of Governor's Brook, or of any springs, natural ponds, brooks or other water sources within the limits of the town of Foxborough, together with all necessary lands for raising, holding, making available and preserving such water and carrying the same to any and all parts of said district, and may erect thereon necessary dams, buildings, fixtures and other structures, and make excavations and procure and operate machinery therefor, with such other means and appliances as may be necessary for complete and efficient water works; and for that purpose may construct and lay down conduits, pipes and other works, under or over any lands, water courses or roads, and along any street, highway or other way, in such manner as when completed not unnecessarily to obstruct the same; and for the purpose of constructing, laying down, maintaining and repairing such conduits, pipes and other works, and for all other proper purposes of this act, may dig up, raise and embank any such lands, highways or other ways, in such manner as to cause the least hindrance to travel thereon: *provided*, that within ninety days after the time of taking any lands, water sources or water rights, as aforesaid, otherwise than by purchase, said district shall file in the registry of deeds for the county of Norfolk, an accurate description thereof, with a statement of the purpose for which the same is taken signed by the commissioners hereinafter named.

May erect dams, and lay down pipes.

To file in registry of deeds a description of the land, etc., taken.

Liability for damages.

SECTION 3. The said district shall be liable to pay all damages sustained by any persons or corporations in their property, by the taking of any lands, water, water sources or water rights, or by the construction of any aqueducts, reservoirs or other works for the purposes aforesaid. Any persons or corporations injured in their property under this act, and failing to agree with said district as to the amount of damages, may have them assessed and determined in the same manner as is provided where land is taken for highways, by making a written application therefor within one year after the taking of such land.

water sources or water rights, or other injury done as aforesaid under this act, but not thereafter. No assessment for damages shall be made for the taking of any water rights, or for any injury thereto, until the water is actually withdrawn or diverted by said district under the authority of this act.

SECTION 4. For the purposes of paying all necessary expenses and liabilities incurred under the provisions of this act, said district may issue bonds, notes, or scrip, from time to time, signed by the clerk and countersigned by the water commissioners, to be denominated on the face thereof "Foxborough Water Loan," to an amount not exceeding fifty thousand dollars, payable at periods not exceeding thirty years from the date of issue, with interest, payable annually, at a rate not exceeding six per centum per annum. And said district may sell said securities at public or private sale, or pledge the same for money borrowed for the purposes of this act upon such terms and conditions as it may deem proper. And said district shall pay the interest on said loan as it accrues, and shall provide for the payment of the principal at maturity by establishing at the time of contracting said debt a sinking fund, or, from year to year by regular and uniform instalments. In case said district shall decide to establish a sinking fund, it shall contribute thereto annually, a sum sufficient with its accumulations to pay the principal of said loan at maturity, and said sinking fund shall remain inviolate and pledged to the payment of said debt and shall be used for no other purpose. If said district shall decide to pay the principal of said loan by instalments it shall issue coupon bonds bearing, in addition to the regular rate of interest as provided above, interest at a rate not exceeding three per centum on the principal, which additional interest shall be applied annually and directly to the payment of said loan.

"Foxborough
Water Loan"
not exceeding
\$50,000.

Interest on
loan.

Sinking fund.

SECTION 5. Said district shall raise by taxation annually, a sum which, with the income derived from the sale of water shall be sufficient to pay the current annual expenses of operating its water works and the interest accruing on the bonds issued by said district, together with such payments on the principal as may be required under the provisions of this act.

Sufficient to
pay current
expenses and
interest, to be
raised by tax-
ation.

SECTION 6. Said district is further authorized to raise by taxation any sum of money for the purpose of enlarging

May raise
money for en-
larging works.

or extending its water works and providing necessary additional appliances and fixtures connected therewith, not exceeding two thousand dollars in any one year, in the same way as money is raised for ordinary town expenses.

Assessors of town to assess the taxes.

SECTION 7. Whenever a tax is duly voted by said district, the clerk shall render a certified copy of the record to the assessors of the town of Foxborough, who shall proceed within thirty days to assess the same in the same manner in all respects as town taxes are by law required to be assessed. The assessment shall be committed to the town collector, who shall collect said tax in the same manner as is provided for the collection of school district taxes, and shall deposit the proceeds thereof with the town treasurer. Said district may collect interest on taxes when overdue, at a rate not exceeding one per centum per month, in the same manner as interest is authorized to be collected on town taxes: *provided*, said district at the time of voting to raise a tax shall so determine and shall also fix a time for the payment thereof.

Interest on taxes overdue.

First meeting of district.

SECTION 8. The first meeting of said district shall be called on petition of seven or more legal voters therein, by a warrant from the selectmen of the town directed to one of the petitioners requiring him to give notice of the meeting by posting copies of said warrant in three or more public places in said district, seven days at least before the time of said meeting, and by publishing such notice thereof as the warrant may require in the Foxborough Times, published in said town. One of the selectmen shall preside at the meeting until a clerk is chosen and sworn. After the choice of a moderator for said meeting, the question of the acceptance of this act shall be submitted to the voters, and if it shall be accepted by a majority of the voters present and voting thereon, it shall go into operation and the meeting may then proceed to act on the other articles contained in the warrant.

One of the selectmen to preside until a clerk is chosen.

Three water commissioners to be elected.

SECTION 9. The district shall choose by ballot, a board of three water commissioners, one to serve till the next annual meeting of the district, one for a term one year longer, and the third for a term two years longer than the first; after which first election one member of the said board, as the term expires, shall be elected at the annual meeting to serve for three years. Said commissioners shall have in charge the construction and maintenance of the works herein provided, and may exercise all rights, powers

To have charge of construction and maintenance of works.

and privileges for these purposes herein granted, subject to the instructions of the district, and shall be the trustees of any fund or funds established or accumulated by said district under this act. A majority of said commissioners shall constitute a quorum for the transaction of business relative both to the water works and to their trusteeship of any funds belonging to the district. No money shall be drawn from the treasury of the town except by a written order of the commissioners or a majority of them. Said commissioners shall annually make a full report to the district in writing, of their doings and expenditures. Vacancies in the board may be filled at a regular meeting of the voters of said district called for the purpose.

To make report annually.

SECTION 10. Whoever wilfully corrupts, pollutes or diverts any of the water taken under this act, or injures any dam, reservoir, conduit, pipe or other property owned or used by said district, shall forfeit and pay to said district three times the amount of damages assessed therefor, to be recovered in an action of tort, and upon conviction of either of the above acts shall be punished by a fine not exceeding one hundred dollars, or by imprisonment in jail not exceeding one year, or by both fine and imprisonment.

Penalty for diverting water, or rendering the same impure.

SECTION 11. The said district may adopt by-laws prescribing by whom and how meetings may be called and notified; but meetings may also be called on application of seven or more legal voters in said district by warrant from the selectmen on such notice as may be prescribed therein. The district may also provide rules and regulations on other subjects not inconsistent with this act or the laws of the Commonwealth, and may choose such other officers not provided for in this act as it may deem proper and necessary.

Manner of calling meetings.

Choice of officers.

SECTION 12. This act shall take effect upon its passage.

Approved April 4, 1879.

[1877, 228.]

AN ACT in relation to the Compensation of Street Commissioners of the City of Boston. *Chap. 198*

Be it enacted, etc., as follows:

SECTION 1. Section four of chapter three hundred and thirty-seven of the acts of the year eighteen hundred and seventy is hereby amended by striking out the words

Compensation of street commissioners of Boston.

“three thousand” therein, and inserting instead thereof the words “two thousand.”

SECTION 2. This act shall take effect upon its passage.

Approved April 9, 1879.

Chap. 199

AN ACT relating to Conveyances of Land on the Back Bay.

Be it enacted, etc., as follows :

Commissioners
may sell single
lots of land on
Back Bay.

SECTION 1. The land commissioners are hereby authorized to sell and convey single lots of land belonging to the Commonwealth on the Back Bay, not exceeding one hundred feet frontage of any one lot, on the same conditions and by the same form of deed, with conveyances heretofore made, and at such prices as the governor and council may approve.

SECTION 2. This act shall take effect upon its passage.

Approved April 9, 1879.

Chap. 200

AN ACT to incorporate the Subterranean Cable Company of Boston.

Be it enacted, etc., as follows :

Corporators.

Name and
purpose.

Powers and
duties.

Capital stock.

Election of
officers.

SECTION 1. James W. Brown, Charles A. Stearns, James H. Freeman and Ethan R. Cheney, their associates and successors, are hereby incorporated as the Subterranean Cable Company of Boston, for the purpose of constructing, maintaining, operating and leasing lines of telegraph, over or under the streets, lanes, foot-paths, alleys and other ways in the cities of Boston and Cambridge for the private use of individuals, firms and corporations, municipal and general business, and for police, fire-alarm, and messenger business, and for the transaction of any business in which electricity over or through wires may be used ; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, except as herein otherwise provided, set forth in all general laws which now are or hereafter may be in force relative to such corporations: *provided*, that no such line of telegraph shall be constructed or maintained over or under any private street or way without permission obtained from the owner or owners of said private street or way.

SECTION 2. The capital stock of such corporation shall be one hundred and fifty thousand dollars, all of which shall be paid in in cash before said corporation shall commence business.

SECTION 3. The stockholders of the said corporation,

by a stock vote, shall annually in the month of April, at a meeting duly called for that purpose, elect a board of five directors of said corporation who shall hold their offices for one year from the date of their election. Said directors shall annually in the month of April elect a president, clerk and treasurer, in whom shall be vested the powers, and who shall perform the duties usually exercised by such officers. Any vacancy in the board of directors, or in the office of president, clerk or treasurer may at any time be filled until the next annual election in the same manner as herein provided for the election of said directors and other officers respectively.

SECTION 4. Before commencing the construction of any line of telegraph under the authority given by this act said corporation shall obtain permission from the board of aldermen of the city within which it proposes to construct such line, and said board of aldermen shall designate the streets, lanes, foot-paths, alleys or other ways, over or under which such lines may be constructed, and may impose and from time to time modify the terms and conditions upon which such line of wires may be constructed and maintained.

Consent of board of aldermen to be obtained.

SECTION 5. This act shall take effect upon its passage.

Approved April 9, 1879.

AN ACT to enable the Town of Northampton to realize the Value of Certain Stolen Bonds and Coupons.

Chap. 211

Be it enacted, etc., as follows:

SECTION 1. The town of Northampton, by its treasurer, is hereby authorized to execute a sufficient bond of indemnity to the Ohio and Mississippi Railway Company, its successors, assigns or legal representatives, whenever and as often as payment shall be made to said town by said railway company, its successors, assigns or legal representatives, in money or new bonds, of any of the coupons of the second mortgage bonds of said railway company, which were owned by said town on the twenty-sixth day of January in the year eighteen hundred and seventy-six, and were, together with said bonds, on that day stolen from the vault of the Northampton National Bank.

Town may give bond of indemnity to Ohio and Mississippi Railway Company upon payment of certain stolen coupons.

SECTION 2. In case said Ohio and Mississippi Railway Company, its successors, assigns or legal representatives, shall issue new bonds to the town of Northampton, in place of the above mentioned stolen bonds, the said town,

May give bond of indemnity upon issue of new bonds.

by its treasurer, is hereby authorized to execute a sufficient bond of indemnity to said railway company, its successors, assigns or legal representatives.

SECTION 3. This act shall take effect upon its passage.

Approved April 11, 1879.

Chap. 212 AN ACT to extend the Time for constructing Quinsigamond Avenue in the City of Worcester.

Be it enacted, etc., as follows:

Time extended
for construction
of Quinsigamond Avenue.

Assessment
upon estates
benefited.

SECTION 1. The time within which the city of Worcester may construct the street extending from Southbridge Street to Cambridge Street in said city and called Quinsigamond Avenue, laid out and established by decree of the city council, adopted on the twenty-ninth day of April in the year eighteen hundred seventy-eight, and assess benefits upon the estates benefited thereby, as provided by chapter three hundred eighty-two of the acts of the year eighteen hundred seventy-one, is hereby extended to the twenty-ninth day of April in the year eighteen hundred and eighty one. And if said city shall complete said street before that time, said city may assess upon the estates benefited thereby the value of the benefit and advantage derived therefrom as provided in said statute in the same manner and with the same effect as if said street had been completed and said assessments had been made within two years from the passage of said decree.

SECTION 2. This act shall take effect upon its passage.

Approved April 11, 1879.

Chap. 213 AN ACT to confirm the Corporate Organization of the Trustees of the Woburn Society of the Methodist Episcopal Church.

Be it enacted, etc., as follows:

Organization of
corporation and
acts of trustees,
confirmed.

The corporate organization of the Trustees of the Woburn Society of the Methodist Episcopal Church, under that name, is hereby confirmed and made valid. All the deeds, acts and proceedings of said corporate board of trustees are confirmed and made valid so far as such validity may have depended upon the name of the corporation under which they were made or transacted.

Approved April 11, 1879.

AN ACT to provide for the Disposal of the Sewage of the Reformatory Prison for Women at Sherborn. *Chap. 214*

Be it enacted, etc., as follows:

SECTION 1. The superintendent and board of commissioners of the reformatory prison for women in the town of Sherborn, are hereby prohibited from causing or permitting the discharge, through any sewer or drain, of any portion of the sewage of said prison into Lake Cochituate or any of its tributaries: *provided*, that the effluent waters of lands hereafter acquired and used for sewage irrigation purposes for said prison shall not be included in the provisions of this section unless at any time they shall, in the opinion of the state board of health, become of such nature as to constitute a pollution within the meaning of chapter one hundred and eighty-three of the acts of the year eighteen hundred and seventy-eight; which opinion, being expressed in writing to the said board of commissioners, shall make said effluent waters subject to all the provisions of this section.

Sewage of prison not to be discharged into Lake Cochituate.

Provido.

SECTION 2. The said board of commissioners of the reformatory prison for women is hereby authorized on behalf of the Commonwealth to take and hold, by purchase or otherwise, under the direction and approval of the governor and council, such lands as may be necessary for the proper conveyance, storage or distribution of the sewage of the reformatory prison for women, and may take and hold, by purchase or otherwise, the buildings situate on any such land, or erect or repair thereon such buildings, dams, works and machinery as may be necessary for the disposal of the sewage of said prison, and may take and hold, by purchase or otherwise, all or any rights or easements in such land, with all rights of way, through, over or under any private lands, road, water course, or other way, and may enter upon and dig thereon for the purposes of construction and of making all necessary repairs, and may carry its drains through or under any street or highway or other ways in such manner as not unnecessarily to obstruct the same, and may, under the direction of the selectmen of the town of Sherborn, enter upon and dig up any such road or way for the purposes of laying or repairing its sewers or drains; and said commissioners may construct and maintain all necessary pipes, conduits, works and machinery necessary for the proper conveyance of the sewage of said prison to such lands and its distribution

Commissioners may take land for storage or disposition of sewage.

May dig up roads, etc., under direction of selectmen.

Proviso.	thereon in such manner as said commissioners, with the approval of the governor and council, shall determine: <i>provided</i> , that not more than two thousand dollars of the sum appropriated for the purposes of this act shall be expended in the repairs of any buildings which may be acquired with any land taken, by purchase or otherwise, for the purposes of this act; and <i>provided</i> , that within sixty days after the taking of any lands or buildings, rights or easements in such lands, under this act, the said commissioners shall file in the registry of deeds for the southern district of the county of Middlesex, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same is taken, and signed by said commissioners or a majority of them; and the title thereto shall thereupon vest in the Commonwealth, but no such record shall be valid unless accompanied by the certificate of approval of the governor and council, to be filed therewith.
Description of land taken, to be filed in registry of deeds.	
Assessment of damages.	SECTION 3. Any person or corporation injured or damaged by any thing done by said commissioners under authority of this act, and failing to agree with said commissioners as to the amount of such damages, may have them assessed and determined in the manner provided where land is taken for highways; but all such claims for assessment of damages shall be instituted within one year of the taking complained of, and the damages so assessed and determined shall be paid out of the treasury of the Commonwealth.
Expenses not to exceed \$13,000.	SECTION 4. The said commissioners are hereby authorized to carry out the provisions of this act at an expense not exceeding thirteen thousand dollars, and all moneys therefor shall be expended under and by the approval of the governor and council.
When to take effect.	SECTION 5. The provisions of section one of this act shall take effect at such time as the governor and council shall determine that the sewage works contemplated and provided for by section two of this act have substantially been put in operation. The remaining sections of the act shall take effect upon the passage of the act.

Approved April 11, 1879.

[1878, 281.]

AN ACT amending Chapter Two Hundred and Eighty-one of the Acts of the Year Eighteen Hundred and Seventy-eight, relative to the demand of George Clapp and Frederick K. Ballou against the Commonwealth.

Chap. 215

Be it enacted, etc., as follows :

SECTION 1. The harbor commissioners are hereby authorized to agree with Clapp and Ballou to extend the time within which the award of the arbitrators may be made, whose appointment is provided for by chapter two hundred and eighty-one of the acts of the year eighteen hundred and seventy-eight, to the first day of October next, upon the further terms and conditions of this act.

Time for making award may be extended by agreement.

SECTION 2. Said arbitrators may, in the exercise of judicial discretion, allow any amendment of the statement of the demands submitted to them: *provided*, that said Clapp and Ballou shall not be entitled to recover more than the aggregate amount of the demands heretofore submitted, and interest thereon; and *provided, further*, that all the claims and demands of said Clapp and Ballou, in their own right and as assigns, shall be submitted to said arbitrators; and said award, having been reported to and accepted and confirmed by the supreme judicial court as provided by chapter two hundred and eighty-one of the acts of the year eighteen hundred and seventy-eight, shall be a final adjudication upon all claims and demands of said Clapp and Ballou and their assigns against the Commonwealth, and shall be binding upon all parties.

Arbitrators may allow amendment of statement of demands. *Proviso.*

SECTION 3. The assigns of said Clapp and Ballou having an interest in said claims and demands shall consent in writing to said submission, and agree to be bound by the award.

Award to be final.

Assigns to consent in writing.

SECTION 4. This act shall take effect upon its passage.

Approved April 11, 1879.

[1872, 97.]

AN ACT to authorize the County Commissioners of the County of Franklin to borrow Money to repair or enlarge the Jail in said County.

Chap. 217

Be it enacted, etc., as follows :

SECTION 1. The county commissioners of the county of Franklin are hereby authorized to borrow, on the credit of said county, such sums not exceeding in all ten thousand dollars as may be necessary to be expended in repairs

Commissioners may borrow money for repairs, etc., of jail and house of correction.

or enlargement of the jail and house of correction in said county.

SECTION 2. This act shall take effect upon its passage.

Approved April 10, 1879.

Chap. 218 AN ACT to enable the Newton Cemetery Corporation to purchase Certain Land for the Protection of its Cemetery.

Be it enacted, etc., as follows :

May purchase
land for supply
of earth for grad-
ing cemetery.

SECTION 1. The Newton Cemetery Corporation is hereby authorized to purchase a parcel of land upon Walnut Street, in Newton, opposite the cemetery of said corporation, and bounded, westerly by Walnut Street, northerly by Homer Street, easterly by land now or formerly of J. D. Towle, and southerly by land now or formerly of Josiah Rutter, and to hold and use said land for the purpose of supplying earth and gravel for grading its cemetery, and to protect said cemetery from nuisance or injury; and said corporation shall not be required to devote said land to the purposes mentioned in chapter twenty-eight of the General Statutes or the acts in addition thereto.

May mortgage
or sell such
land.

SECTION 2. Said corporation is hereby authorized to mortgage said land or any part of the same to secure the whole or any part of the purchase money thereof, and in case it shall hereafter desire to do so, to sell and convey said land or any part of the same to any purchaser.

SECTION 3. This act shall take effect upon its passage.

Approved April 10, 1879.

[1876, 150 ; 1878, 278.]

Chap. 221 AN ACT to amend "An Act to permit the Establishment of a Union Freight Depot in Greenfield."

Be it enacted, etc., as follows :

Union Freight
Depot in Green-
field.

SECTION 1. Section one of chapter two hundred and seventy-eight of the acts of the year eighteen hundred and seventy-eight is hereby amended by striking out the words "Troy and Greenfield Railroad Company" after the words "purchased by the," and inserting in place of the words stricken out the word "Commonwealth."

Amendment to
1878, 278, § 3.

SECTION 2. Section three of said chapter is hereby amended by striking out the words "or the Vermont and Massachusetts Railroad, and by the Connecticut River Railroad Company" after the words "operating or using the Troy and Greenfield Railroad," and inserting in place

of the words stricken out the words "by such other railroad corporation or corporations named in section one as may be provided for by the agreement."

SECTION 3. Section four of said chapter is hereby amended by striking out the words "and arbitration as to questions arising relative thereto may be provided for," after the words "provided for by said agreement," and inserting in place of the words stricken out the words "and may be re-adjusted or changed from time to time as the railroad commissioners on the petition of any party interested may determine," and is further amended by adding at the end of said section the words "any party aggrieved by any decision as to the amount of rental or tolls to be paid as provided, may within three months from the date thereof appeal from the same to the superior court, and have his case tried by a jury at the bar of that court in the county of Franklin, whose verdict accepted by said court shall be final until another re-adjustment or change as before provided."

Amendment to
1878, 278, § 4.

SECTION 4. Section five of said chapter is hereby repealed; and the following words, constituting a new section, are substituted therefor, and inserted in place thereof, namely: — "SECTION 5. No rights shall be gained by virtue of this act or any contract under it in or upon the lands of the Commonwealth or of the Troy and Greenfield Railroad which may not be terminated at the pleasure of the Commonwealth at any time; but all contracts made under the provisions of this act may be terminated at any time by laws which may be enacted by the general court on providing for the payment of suitable damages to all parties injured; and in case of any termination of the agreement the tracks and location of the Troy and Greenfield Railroad may be re-located as now established by law, and the tracks and location of the Vermont and Massachusetts Railroad may be re-located to connect with the same. No agreement made by virtue of this act shall bind the Commonwealth except so far as its interests in the premises are concerned or operate to prevent any assignment or transfer of its rights in and under the same."

Repeal and
substitute.
1878, 278, § 5.

Approved April 16, 1879.

[1876, 136.]

Chap. 230 AN ACT in addition to "An Act to empower the City of Boston to lay and maintain a Main Sewer discharging at Moon Island in Boston Harbor, and for other Purposes."

Be it enacted, etc., as follows :

Additional powers to city of Boston for laying main sewer to Moon Island in the harbor.

SECTION 1. The city of Boston shall have authority, in addition to the powers now possessed by it, for the purpose of laying and maintaining a main sewer running south-easterly from the direction of Charles River, to build and maintain wharves, pumping works, reservoirs and other structures on the main land, at or near the shore of the Calf Pasture, so called, in Dorchester Bay, thence to conduct said sewer by means of embankments and of a tunnel or siphon, not less than six thousand five hundred feet long, under the bottom of the harbor to that part of the town of Quincy called Squantum, thence along or across said Squantum and the flats and waters adjacent thereto to Moon Island; or said city may build the sewer or siphon under the bottom of the harbor on a nearly direct line from said Calf Pasture to Moon Island. Said city shall have authority to build and maintain a reservoir or reservoirs, a pumping station, wharves and dwelling houses, and such other works as are essential to a proper and convenient discharge of the sewage at Moon Island. Said city shall have further authority to connect Moon Island with Squantum by means of a bridge or embankment to be used as a roadway. In any construction over tide water said city shall be subject to the direction of the harbor commissioners in the manner pointed out in chapter four hundred and thirty-two of the acts of the year eighteen hundred and sixty-nine.

City may build reservoir and pumping station.

May take land and buildings.

Damages.

SECTION 2. The city of Boston shall have authority to take such lands, buildings, wharves and structures as may be necessary to accomplish the objects of the preceding section; and all damages to private property, and for lands, buildings, wharves or structures taken under this act, shall be ascertained as prescribed in chapter forty-three of the General Statutes, and paid by the city of Boston.

SECTION 3. This act shall take effect upon its passage.

Approved April 16, 1879.

[1874, 350.]

AN ACT relative to the Sessions of the Second District Court of Plymouth. *Chap. 231*

Be it enacted, etc., as follows:

SECTION 1. Section six of chapter three hundred and fifty of the acts of the year eighteen hundred and seventy-four is hereby amended by adding the following words, to wit:—

Sessions of the court.

Said second district court of Plymouth shall be held for civil and criminal business daily, except on Sundays and legal holidays. All writs in said court shall be made returnable at Abington in said district; and Wednesday of each week shall be the return day of such writs. Any action may upon motion of either party thereto, be put upon the trial list to be tried on any day in either of the court towns in said district on such notice as the court by rule may order. Said court may adjourn from one court town to the other in said district, and hold a session therein; and in the absence of the justice, the court may be so adjourned by the sheriff of the county or either of his deputies.

Writs returnable at Abington.

Adjournment from one court town to another.

SECTION 2. This act shall take effect on the first day of June, eighteen hundred and seventy-nine.

To take effect June 1, 1879.

Approved April 16, 1879.

[1875, 199.]

AN ACT to revive "An Act to supply the Town of Watertown with Pure Water." *Chap. 239*

Be it enacted, etc., as follows:

Chapter one hundred and ninety-nine of the acts of the year eighteen hundred and seventy-five, being "An Act to supply the town of Watertown with pure water," is hereby revived and continued in force for two years from the date of the passage of this act. *Approved April 18, 1879.*

Act revived and continued in force for two years.

[1878, 240.]

AN ACT to revive "An Act to supply the City of Newburyport with Water." *Chap. 240*

Be it enacted, etc., as follows:

Chapter two hundred and forty of the acts of the year eighteen hundred and seventy-eight, being "An Act to supply the city of Newburyport with Water," is hereby revived and continued for two years from the passage of this act.

Act revived and continued in force for two years.

Approved April 18, 1879.

[1880, 235 ; 1881, 72.]

[1857, 25 ; 1860, 208 ; 1861, 179 ; 1863, 5 ; 1864, 178, 309 ; 1865, 51, 71 ; 1872
205 ; 1873, 198 ; 1874, 213 ; 1876, 135.]

Chap. 241 AN ACT relating to the Re-construction of Bridges by the Fall River, Warren and Providence Railroad Company over Cole's River and Lee's River.

Be it enacted, etc., as follows :

Bridges across
Cole's River and
Lee's River.

SECTION 1. The Fall River, Warren and Providence Railroad Company, in the re-construction of its bridges across Cole's River and Lee's River shall build the same upon plans to be approved by the harbor commissioners, who shall also determine from time to time whether either or both of said bridges shall have a draw; and any order of said commissioners in regard to said draws made at or after the construction of said bridges shall be carried out by said railroad company at the expense of said company.

Repeal.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved April 18, 1879.

[1879, 150.]

Chap. 249 AN ACT to provide for the Further Protection of the Town of Westfield from Floods.

Be it enacted, etc., as follows :

Town may ex-
tend dam across
Westfield River,
or erect new
dam.

SECTION 1. The town of Westfield may at any time within two years after the passage of this act extend the dam across Westfield River, near the "Great River Mills," so called, in said town, belonging to Samuel Horton, at the southerly end of said dam, at a uniform height with the present dam, to a length not exceeding ninety feet in addition to the present dam; or may entirely remove the present dam, and construct a new one in or near substantially the same place as the present dam, of the same height and of the same length, or of any greater length, not exceeding ninety feet as aforesaid; or may construct such new dam, as a permanent dam, at a height not more than three feet below the top of the present dam, and adapt such new dam to and provide it with flash-boards at the time of its erection, not more than three feet high, and capable of sustaining a body of water not more than four feet above the top of the present dam, or may construct such new dam without flash-boards; or may entirely remove the present dam, and not rebuild the same. Said

town may enter upon any lands lying upon the southerly

side of said river, within the limits of said town, and remove and take away and appropriate to its own use any earth, gravel, stones, walls or other materials there being, or any buildings standing thereon, for the purpose of securing the free and unobstructed flow of the water of said river over said dam as the same may be lengthened or rebuilt, and down said river. And said town may purchase and hold all or any part of the real estate, including the present dam and the water power connected therewith, now owned by Samuel Horton, lying in said town upon and near said river, and upon both sides thereof, for the purpose of carrying out the provisions of this act, and may convey all or any part of the same.

lands and take away earth, etc.

May purchase dam and water power owned by Samuel Horton.

SECTION 2. Said town shall do no act under the preceding section until such act shall be authorized by a vote of the inhabitants of said town at a legal town meeting specially called for that purpose, and held within six months from the passage of this act; and except in conformity with such vote, said dam if entirely removed, in pursuance of a vote passed by said town, as above provided, to remove and not to rebuild the same, shall not again be rebuilt; and except as aforesaid if it shall be lengthened or rebuilt with or without flash-boards, it shall not thereafter be reduced in length or increased in height, or the flash-boards increased in height, or made capable of sustaining a body of water more than four feet higher than the top of the present dam.

Subject to a vote of the town at a special meeting.

Length and height of dam and flash-boards.

SECTION 3. As soon as practicable after said dam has been lengthened or rebuilt in conformity with the provisions of this act, said town shall give notice thereof to the county commissioners of the county of Hampden; and said commissioners shall then cause a permanent mark of the height thereof and a plan and description of said dam and its flash-boards, if any, indicating the length and height of said dam and flash-boards, to be made, and said plan and description shall be recorded in the registry of deeds for said county.

County commissioners to be notified.

Plan to be recorded.

SECTION 4. Any person injured in his property by the removal of said dam, or by any act done by said town under the authority of this act, if he cannot agree with said town as to the amount of his damages, may at any time within three years from the passage of this act apply to the county commissioners for the county of Hampden to estimate his damages occasioned thereby; and the pro-

Application for damages.

Party aggrieved
entitled to a
jury.

ceedings thereon shall be the same as are by law now provided in the case of damages occasioned by the laying out or alteration of highways. Any party aggrieved by the decision of the county commissioners shall be entitled to a jury to determine the amount of his damages, unless he agrees with the parties adversely interested to have the same determined by a committee to be appointed under the direction of the commissioners, if applied for at a meeting at which the decision of the county commissioners is rendered, or at the next regular meeting thereafter, but not afterwards; and the proceedings thereon shall be the same as now provided in the case of highways.

Damages and
expenses to be
paid by the
town.

Powers may be
exercised by a
committee.

SECTION 5. All damages sustained by any party, and all expenses incurred by said town, under this act, shall be borne and paid by said town, and the amount thereof assessed and collected as other town taxes are assessed and collected; and any or all the authority conferred upon said town under this act may be exercised by any special committee of the inhabitants of said town chosen at any legal town meeting specially called for that purpose.

SECTION 6. This act shall take effect upon its passage.

Approved April 22, 1879.

[1845, 102 ; 1849, 18 ; 1852, 178 ; 1853, 336 ; 1860, 105 ; 1869, 260, 204 ; 1870, 91 ; 1871, 253 ; 1872, 41 ; 1874, 4, 115.]

Chap. 250

AN ACT to authorize the Worcester and Nashua Railroad Company to Mortgage its Road.

Be it enacted, etc., as follows :

May mortgage
franchise and
property.

Proviso.

SECTION 1. The Worcester and Nashua Railroad Company is authorized under the provisions of the statutes of the Commonwealth of Massachusetts to mortgage the whole or any part of its property, real or personal, including its franchise, not exceeding in amount at any time the capital paid in for the purpose of securing such bonds as have been, or may be issued by said company, and its pre-existing debts and liabilities: *provided*, that any such mortgage shall be so drawn as to secure the bonds of the Nashua and Rochester Railroad guaranteed by the Worcester and Nashua Railroad Company, equally with the bonds of said Worcester and Nashua Railroad Company, and the annual rental or interest on the capital stock of said Nashua and Rochester Railroad according to the terms of the lease existing between it and the Worcester and Nashua Railroad Company, or any modification thereof at the time

of said mortgage; *and provided*, said mortgage shall not affect or discharge any valid attachment or lien on the property of said Worcester and Nashua Railroad Company existing at the date of said mortgage, and *provided*, also, said mortgage shall not affect the liabilities, if any there are, of the said company to the bondholders and stockholders of the Lancaster Railroad Company. Proviso.

SECTION 2. At the request of any owner or holder of any coupon bonds lawfully issued, the said Worcester and Nashua Railroad Company may issue new coupon bonds in exchange for and in lieu of them, upon such terms and under such regulations as may be prescribed by the board of directors of said company, with the consent and approval of the trustees to whom any mortgage or pledge shall be executed. Such exchange of bonds shall not affect the said mortgage, and said mortgage shall remain in force for such new bonds: *provided*, that the old bonds shall be cancelled and destroyed at the same time the new bonds are exchanged in lieu thereof. May issue new coupon bonds.
Proviso.

SECTION 3. This act shall take effect upon its passage.

Approved April 22, 1879.

[1877, 131.]

AN ACT to extend the Time within which the Massachusetts Institute of Technology may erect Buildings upon Certain Land in the City of Boston.

Chap. 251

Be it enacted, etc., as follows:

SECTION 1. Chapter one hundred and thirty-one of the acts of the year eighteen hundred and seventy-seven is hereby so amended that the time within which the Massachusetts Institute of Technology may erect a suitable building for the permanent use of said institute, upon the land described in chapter one hundred and seventy-four of the acts of the year eighteen hundred and seventy-three, shall be extended for the term of two years from the eleventh day of April in the year eighteen hundred and seventy-nine. Time for erection of building, extended.

SECTION 2. This act shall take effect upon its passage.

Approved April 22, 1879.

[1881, 107.]

[1877, 192.]

Chap. 252**AN ACT for the Benefit of Indigent Soldiers and Sailors.***Be it enacted, etc., as follows :*

Cities and towns may raise money for indigent soldiers and sailors.

SECTION 1. Any city or town may raise money and under the direction of its mayor and aldermen or selectmen may, under the following conditions, pay sums thereof to or expend them for any worthy person having his settlement under the pauper laws in such city or town, who shall have the description and qualifications of the first class of persons described in section two, or of the second class described in section three, of this act.

First class.
Qualifications.

SECTION 2. Each person of the first class shall be qualified as follows :—

First. He shall have served as a soldier, sailor, or commissioned officer, in the army or navy of the United States, to the credit of this Commonwealth, or, having been an actual resident of this state at the time of his enlistment, he shall have served to the credit of any other state between the nineteenth day of April in the year eighteen hundred and sixty-one and the eighteenth day of March in the year eighteen hundred and sixty-two, and shall have been honorably discharged from such service.

Second. He shall be a poor and indigent person, standing in need of relief, by reason of sickness or other physical disability, who would otherwise be entitled to relief under the pauper laws.

Third. He shall not be, directly or indirectly, in the receipt of any other pension or state aid.

Fourth. He shall not be entitled, under the laws of the United States, or under the rules governing such institutions, to admission to any national soldiers' or sailors' home; and his disability must have arisen from causes independent of his service aforesaid, except in such cases of applicants for pensions while their applications are pending, as the mayor and aldermen or selectmen are satisfied upon evidence first reported to the commissioners named in section six of this act, and satisfactory to them, that justice and necessity require such aid to prevent actual suffering, and, in case of such unmarried applicants, that they cannot obtain assistance at a national soldiers' home.

Second class.
Qualifications.

SECTION 3. Each person of the second class shall be qualified as follows: He shall be an invalid pensioner, married before the date of this act, and living with his

wife in marital relations in this Commonwealth, and entitled to receive state aid under the provisions of chapter one hundred and ninety-two of the acts of the year eighteen hundred and seventy-seven, whose pension and state aid shall be inadequate for his relief, and who would otherwise receive relief under the pauper laws: *provided*, that no person receiving aid under this act shall receive aid under the provisions of chapter one hundred and ninety-two aforesaid; and any person receiving aid under this act may be required by the mayor and aldermen or the selectmen granting him the same, or by the commissioners of state aid, as a condition of granting said aid, to pay over his pension to said mayor and aldermen or selectmen, to be expended for his relief before he shall receive aid under this act; but no person shall be compelled to receive aid under this act without his consent.

SECTION 4. All aid furnished under the provisions of this act shall be applied solely for the benefit of the person for whom it is intended, and no greater sum shall be paid to or for any person under this act than shall be necessary to furnish him reasonable relief or support; and no sum shall be paid to or for any person competent to support himself, or in receipt of income or in ownership of property sufficient for his own support, nor to or for any person more than is necessary in addition to his income and property for his personal relief or support. And no relief shall be given under this act to or for any person whose necessity therefor is caused by voluntary idleness, or who is known to be in the practice of vicious and intemperate habits.

Amount of aid
to be furnished.

SECTION 5. No person shall be required to receive the relief or support furnished under this act in any almshouse or public institution, unless his physical or mental condition requires it, or he chooses to do so; and except in such cases it shall be paid to, or expended for, only those persons who live separately from persons receiving support as paupers.

No person to
receive aid un-
less he desires
it.

SECTION 6. The auditor of the Commonwealth, the adjutant-general, and some competent third person to be appointed by the governor and council, with a salary to be fixed by them not exceeding fifteen hundred dollars per annum, who shall devote his whole time to the duties of his office, shall be commissioners of state aid, and shall perform the duties required of such commissioners by this

Commissioners
of state aid.

act, and by chapter one hundred and ninety-two of the acts of the year eighteen hundred and seventy-seven and other laws. Said commissioners shall investigate all payments of money under any and all of said acts, so far as the interests of the Commonwealth may require.

Amount expended, etc., to be certified under oath to the auditor.

SECTION 7. When any sum shall have been expended under and according to this act, the full amount so expended, the names of the persons receiving the same, and the names of the companies and regiments or vessels, if any, in which they respectively enlisted, and in which they last served, the sums received by each, and the reasons for the expenditure in each case, with such other details as the commissioners of state aid may require, shall be certified under oath to the auditor in manner approved by him, by the mayor and a majority of the board of aldermen of any city, or by a majority of the selectmen of any town disbursing the same, within ten days after the first day of the month next after the expenditure is made; and the commissioners of state aid shall examine the certificates thereof, and allow and indorse upon the same such sums as in their judgment have been paid and reported according to this act. In the allowance of said commissioners, they may consider and decide upon the necessity of the amount paid in each case, and they may allow any portion thereof which they may deem proper and lawful. Said commissioners with the approbation of the governor may appoint, as occasion may require, a disinterested person, whose duty it shall be to investigate any claim or claims made against the Commonwealth for reimbursement, who may examine any persons receiving relief under this act, and investigate the reasons therefor, and all matters relating to the granting of such relief, and report his doings to said commissioners. The reasonable expenses of the commissioners, and expenses and compensation of any such disinterested person, approved by said commissioners, and allowed by the governor and council, shall be paid from the treasury of the Commonwealth. Of the sums so allowed and indorsed by said commissioners one-half and no more shall be reimbursed by the Commonwealth to the town or city expending the same on or before the first day of December in the year next after the year in which the same have been paid.

Commissioners to allow payments as they deem proper.

Expenses of commissioners to be paid by the state.

Reimbursements to towns and cities.

Military aid.

SECTION 8. Moneys paid under this act shall be held

to be military aid, and the payment thereof to or for any person shall create in him no disqualification to vote.

SECTION 9. This act shall take effect upon its passage.

Approved April 23, 1879.

[1879, 301; 1881, 26.]

[1876, 164.]

AN ACT in relation to the Massachusetts Central Railroad Company.

Chap. 253

Be it enacted, etc., as follows:

SECTION 1. The time within which the Massachusetts Central Railroad Company may locate and construct its railroad is hereby extended to the first day of May, in the year eighteen hundred and eighty-one, and the provisions of chapter two hundred and sixty of the acts of the year eighteen hundred and sixty-nine, and of section two of chapter one hundred and forty-eight of the acts of the year eighteen hundred and seventy-five, are hereby revived and continued in force.

Time extended for location and construction of road.

SECTION 2. The Massachusetts Central Railroad Company is hereby authorized to extend its railroad, from some point on its line of location in the town of Weston, to a point of intersection with the tracks of the Boston and Lowell Railroad Corporation, in the city of Cambridge or the city of Somerville: *provided*, said extension shall be so located and constructed as not to cross any existing railroad at grade; and is also authorized to extend its railroad from some point on its line of location in the town of Amherst to a point of intersection with the tracks of the Troy and Greenfield Railroad in the town of Deerfield or the town of Conway, and said extensions shall be located within two years and constructed within four years from the passage of this act.

May extend road from Weston to Boston and Lowell Railroad in Cambridge or Somerville.

Provided.

May extend road from Amherst to Troy and Greenfield Railroad.

SECTION 3. That portion of the Massachusetts Central Railroad from Amherst to Northampton shall be completed on or before the completion of the extension hereby authorized from Amherst to the line of the Troy and Greenfield Railroad, and the work of construction upon the easterly extension hereby authorized shall at no time be further advanced than it is between said extension and the Worcester and Nashua Railroad in the town of West Boylston, and the laying of the track shall not be begun on said easterly extension until the board of railroad commissioners shall certify in writing that the entire grading,

Railroad to be completed from Amherst to Northampton on or before extension from Amherst.

masonry and bridging, have been so far completed between the easterly terminus of said easterly extension and said Worcester and Nashua Railroad, in said town of West Boylston, as to allow the laying of the track continuously to that point; and shall further certify that the work of construction west of the Worcester and Nashua Railroad has been so far advanced as to admit of the completion of the entire line to Northampton within the time specified in section one of this act.

Location and
construction of
extensions.

SECTION 4. The extensions authorized by this act shall be located and constructed, and the routes thereof through any town or city shall be fixed in conformity with and subject to all the provisions of the general railroad acts of the year eighteen hundred and seventy-four, and of all acts in amendment thereof, in the manner therein provided for railroads and extensions; but except as herein provided said extensions may be located or constructed before or after the completion of the main line of said Massachusetts Central Railroad.

SECTION 5. This act shall take effect upon its passage.

Approved April 23, 1879.

[1876, 184, 240.]

Chap. 257

AN ACT relating to the Municipal Court of the City of Boston.

Be it enacted, etc., as follows:

Salary of
assistant clerk
for civil
business.

Allowance for
extra clerical
assistance.

Salaries of
assistant clerks
for criminal
business.

Allowance for

SECTION 1. There shall be one assistant clerk of the municipal court of the city of Boston for civil business, who shall be appointed as now provided by law and shall receive a salary of eighteen hundred dollars a year, and at the same rate for any part of a year. The clerk of said court for civil business shall hereafter be paid by the county of Suffolk a sum not exceeding eleven hundred dollars a year, to be expended by him for extra clerical assistance.

SECTION 2. There shall be three assistant clerks of the municipal court of the city of Boston for criminal business, who shall be appointed as now provided by law, and shall be known as first assistant clerk, who shall receive a salary of two thousand dollars a year; second assistant clerk, who shall receive a salary of eighteen hundred dollars a year; and third assistant clerk, who shall receive a salary of sixteen hundred dollars a year; and at the same rates for any part of a year. The clerk of said court for

criminal business shall hereafter be paid by the county of Suffolk a sum not exceeding sixteen hundred dollars a year, to be expended by him for extra clerical assistance.

extra clerical assistance.

SECTION 3. There shall be two constables of the municipal court of the city of Boston for civil business, who shall be appointed by the justices of said court, and shall receive a salary of one thousand dollars each a year, and at the same rate for any part of a year. There shall be six constables of said court for criminal business, who shall be appointed by the justices of said court, and shall receive salaries of twelve hundred dollars each a year, and at the same rate for any part of a year.

Salaries of constables.

SECTION 4. All acts and parts of acts inconsistent herewith are hereby repealed.

Repeal.

SECTION 5. This act shall take effect on the first day of May in the year eighteen hundred and seventy-nine.

To take effect May 1, 1879.

Approved April 24, 1879.

[1863, 166, 220; 1864, 223; 1865, 195, 240; 1867, 180; 1871, 378.]

AN ACT concerning the Massachusetts Agricultural College.

Chap. 258

Be it enacted, etc., as follows:

SECTION 1. The sum of thirty-two thousand dollars is hereby granted to pay the indebtedness of the Massachusetts Agricultural College, the same to be paid out of any unappropriated funds belonging to the Commonwealth.

College granted \$32,000.

SECTION 2. The expenses of the institution shall be kept within the income to which it is legally entitled, and the board of trustees shall be personally liable for any debt contracted for any purpose in excess of the assured income of the college, or for the payment of which money has not been previously provided.

Expenses to be kept within income.
Personal liability of trustees.

SECTION 3. The governor and council are hereby requested to examine the affairs of said college and report to the next general court some plan for its permanent continuance with its relations to the state definitely fixed, or some plan for its discontinuance; but with the provision in any event, that its finances shall from this time be finally separated from the treasury of the Commonwealth.

Governor and council to report concerning college to next legislature.

SECTION 4. This act shall take effect upon its passage.

Approved April 24, 1879.

Chap. 259. AN ACT to authorize the Trustees of the Methodist Episcopal Church in Winchendon to convey their Parsonage.

Be it enacted, etc., as follows:

May sell parsonage.

SECTION 1. Authority is hereby given to the trustees of the Methodist Episcopal Church in Winchendon to sell and convey the real estate, occupied as a parsonage by said corporation, by deed or deeds of mortgage, quitclaim, warranty or otherwise, and to pass a valid title to the same.

SECTION 2. This act shall take effect upon its passage.

Approved April 25, 1879.

Chap. 260 AN ACT to confirm the Organization and Doings of the Second Congregational Society in Westfield.

Be it enacted, etc., as follows:

Organization and proceedings confirmed and ratified.

SECTION 1. The organization of the "Second Congregational Society in Westfield," formed in the year eighteen hundred and fifty-seven, and all the acts and proceedings in organizing said society, of the persons who associated themselves in said year for the purpose of organizing a corporation under the aforesaid title, and all other acts and proceedings of said corporation, so far as the same may be defective or invalid, are hereby ratified and confirmed, and said corporation shall hereafter be known as the "Second Congregational Society in Westfield."

SECTION 2. This act shall take effect upon its passage.

Approved April 25, 1879

[1876, 150; 1879, 189.]

Chap. 261 AN ACT relative to Alteration of the Crossing of Clay Hill Street in Greenfield and the Troy and Greenfield and Connecticut River Railroads.

Be it enacted, etc., as follows:

Laws relating to alteration of crossings of railroads and highways to apply.

SECTION 1. The laws relating to the alteration of crossings of railroads and highways, including sections ninety-six, ninety-seven, ninety-eight and one hundred and one of the general railroad act, of the year eighteen hundred and seventy-four, and chapter one hundred and seventy-five of the acts of the year eighteen hundred and seventy-eight shall be held to apply to the crossing of the highway and the Troy and Greenfield Railroad at Clay Hill Street in Greenfield, subject to the limitations herein

provided, and for all the purposes of this act so far as the Troy and Greenfield Railroad and the interests of the Commonwealth therein are concerned, the manager of said railroad may be made a party in all proceedings and shall have the rights and obligations provided in such laws for railroad corporations and the directors thereof. But no authority shall be given by this act to alter the location of the tracks of said railroad or to interfere with the use thereof for the business of said railroad.

SECTION 2. No alteration of said crossing shall be commenced until suitable provision shall have been made under said laws, or by agreement of parties interested, (to which agreement said manager shall be made a party to the extent necessary to give him power to compel compliance therewith), to the satisfaction of the county commissioners of the county of Franklin, for the alteration of the crossing of said highway and the Connecticut River Railroad in the manner and limits said commissioners may prescribe suitable for the connection and permanent public use of said highway under both said railroads; and the work of alteration of the crossing first named shall only proceed subsequently to, or concurrently with, the work of such alteration of the crossing of said highway and the Connecticut River Railroad. And the superior court shall have jurisdiction in equity to compel compliance with the decisions of the county commissioners and of the special commissioners provided for and made under this act, and said laws as to the making of the alterations decided upon in the crossing of said highway and either of said railroads, and, on the petition of said manager or other party, to compel the specific performance of any agreement entered into by the parties interested as aforesaid and to make and enforce such other orders and decrees in the premises as justice may require, and for the purposes of this act shall have the jurisdiction of the supreme judicial court provided for in said section ninety-eight.

SECTION 3. In the proceedings under this act and the laws herein referred to, for the appointment of special commissioners in the case of any alteration decided upon of the crossing of said highway and either of said railroads the inhabitants of any town in the county of Franklin, besides and in addition to the town of Greenfield, claimed to be benefited by the alterations proposed, may, on the petition of any party interested, be notified by

Agreement to be made satisfactory to county commissioners, in regard to crossing of highway and Connecticut River Railroad.

Superior court may compel compliance with decisions of commissioners.

Appointment of special commissioners.

Towns to be notified.

shall be forthwith authorized to appoint said commissioners out of any judges of said court, in term time or vacation, and such commissioners shall be appointed at least fourteen days before the day on which the hearing as said court or judge may order to appear and be heard relative to the appointment of said commissioners, and they shall have the right to be heard as a party relative thereto, and in such case the special commissioners appointed in the case shall notify such town or towns to be heard as a party in the premises, and to the other parties liable by law to be assessed for the payment of expenses, charges and costs, and may authorize the payment of any of the charges, expenses and costs in such case, referred to in said section, upon such town, to be recovered as provided by law in the other parties assessed, and such town shall have the same rights of parties provided for in section two of chapter one hundred and seventy-five aforesaid.

Appropriation.

SECTION 3. For the purposes of this act a sum not exceeding seven thousand dollars is hereby appropriated to be paid from the treasury of the Commonwealth.

SECTION 4. This act shall take effect upon its passage.

Approved April 25, 1879.

Chap. 266

AN ACT providing for the Transfer of Records of Attachments from the Clerk's Office in the County of Middlesex to the Registry of Deeds in said County.

Be it enacted, etc., as follows:

Records of attachments to be transferred to registry of deeds.

SECTION 1. The clerk of courts for the county of Middlesex is hereby directed to transfer the records of attachments and papers relating thereto, now in his office, to the registry of deeds for the southern district of said county.

Approved April 25, 1879.

[1877, 197; 1879, 67.]

Chap. 271

AN ACT in relation to the Stock of the New York and New England Railroad Company owned by the Commonwealth.

Be it enacted, etc., as follows:

Order for payment of loan.

SECTION 1. Chapter sixty-seven of the acts of the year eighteen hundred and seventy-nine entitled "An Act to provide for the payment of the Harbor Improvement Loan" is hereby repealed.

SECTION 2. Nothing contained in any other act shall be so construed as to authorize the sale of any of the stock of the New York and New England Railroad Company

owned by the Commonwealth, and said stock shall be held for the purpose of redeeming and paying the principal and interest of the outstanding scrip issued by the Commonwealth in aid of the Boston, Hartford and Erie Railroad Company; but no sale thereof shall be made without the authority of the general court.

SECTION 8. This act shall take effect upon its passage.

Approved April 28, 1879.

[1880, 17, 260.]

[1847, 276; 1848, 106; 1849, 55; 1851, 63; 1853, 336; 1856, 114; 1857, 93; 1859, 97; 1863, 84; 1865, 18; 1868, 30; 1869, 361; 1870, 69; 1871, 343, 395; 1872, 37; 1873, 14, 348; 1874, 30, 310; 1875, 207.]

AN ACT to authorize the Boston, Barre and Gardner Railroad Corporation to mortgage its Property. *Chap. 272*

Be it enacted, etc., as follows:

The Boston, Barre and Gardner Railroad Corporation is hereby authorized to issue bonds to an amount not exceeding one hundred thousand dollars, payable within twenty years from date, for the purpose of providing for the payment of its present floating indebtedness, and to make a mortgage upon its real and personal property for the purpose of securing the payment of said bonds only: *provided*, that nothing contained in this act shall affect any claim now pending against said corporation for damage caused by the construction of said railroad, or any existing rights of said claimants to secure the payment thereof.

May issue bonds not exceeding \$100,000.

Proviso.

Approved April 28, 1879.

[1869, 197.]

AN ACT to confirm the Organization of the Society of St. Vincent de Paul of the City of Boston. *Chap. 273*

Be it enacted, etc., as follows:

SECTION 1. All the acts and proceedings done toward the organization of the Society of St. Vincent de Paul of the city of Boston, incorporated by chapter one hundred and ninety-seven of the acts of the year eighteen hundred and sixty-nine, by the corporators and their associates, and all other acts done by them as members of said corporation, so far as they are defective and invalid, are hereby ratified and confirmed.

Proceedings toward organization, ratified and confirmed.

SECTION 2. Said corporation may complete its final organization in accordance with the provisions of chapter sixty-eight of the General Statutes at any time before the first day of July next.

Organization may be completed.

SECTION 3. This act shall take effect upon its passage.

57

Approved April 28, 1879.

[1877, 153; 1878, 137.]

Chap. 276 AN ACT to extend the Time within which the Capital Stock of the Fidelity Assurance Company of Massachusetts may be paid in.

Be it enacted, etc., as follows:

Time for paying
in capital,
extended.

SECTION 1. The time within which the capital stock of the Fidelity Assurance Company of Massachusetts may be paid in is hereby extended to the first day of May in the year eighteen hundred and eighty.

SECTION 2. This act shall take effect upon its passage.

Approved April 29, 1879.

Chap. 277 AN ACT to incorporate the Hoosac Tunnel Dock and Elevator Company.

Be it enacted, etc., as follows:

Corporators.

SECTION 1. Frederick L. Ames, W. H. Lincoln, Charles U. Cotting, Robert Codman, Hugh J. Jewett, Thomas Dickson, their associates and successors, are hereby made a corporation by the name of "The Hoosac Tunnel Dock and Elevator Company," to be established in the city of Boston, with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force relating to all similar corporations organized under the general laws of this Commonwealth, except so far as otherwise especially provided by this act.

Powers and
duties.

May construct
wharves, docks
and elevators.

SECTION 2. Said corporation is hereby authorized to construct and maintain docks, wharves, elevators, warehouses, and other buildings and structures suitable for terminal facilities for the reception, storing, delivering and forwarding of freight to be received or sent through the Hoosac Tunnel; also to transact all such business as is usually performed by persons or corporations engaged in receiving, storing or forwarding freight at the seaboard; and for that purpose may be appointed public warehouseman pursuant to the laws of the Commonwealth, but shall not be authorized to carry on the business of buying and selling merchandise. Said corporation may lay and maintain railroad tracks upon any of its wharves or terminal grounds and may, with the consent of, and in the methods and under the conditions imposed by the board of aldermen of the city of Boston, and with the consent of the board of railroad commissioners, connect the same with the tracks of any railroad corporation which shall have or

May be ap-
pointed a public
warehouseman.

lay tracks in any street adjoining the lands of this corporation. It may also lay tracks, to be operated by steam power, in such streets in that part of Boston called Charlestown as the board of aldermen of the city of Boston may permit, and subject to such regulations and conditions as said board may prescribe; but said board may at any time revoke such permission, and discontinue any such location, upon due notice and hearing of the parties in interest.

May lay railroad tracks.

SECTION 3. The crossing and use of all streets in the city of Boston, easterly of the freight-yard of the Fitchburg Railroad, in that part of said Boston formerly Charlestown, by the locomotives and cars upon the tracks of any railroad leading to the dock, wharf, elevator, warehouse, or other building or structure, of said corporation, shall be under such rules and regulations, and upon such conditions, as the board of aldermen of said city may prescribe.

Crossing of streets to be under rules prescribed by board of aldermen.

SECTION 4. Said corporation, for the purposes set forth in the preceding sections, at any time within one year from the passage of this act, may take and hold, by purchase or otherwise, any or all that parcel of land, with the wharves, docks and buildings thereon, lying between the commissioners' line and Water Street, and between the easterly line of wharf and dock formerly owned by the late Frederick Tudor, known as Tudor's Wharf, and the Navy Yard, in that part of Boston formerly Charlestown; and may at any time purchase and hold for said purposes any such wharves, land, docks and buildings thereon, as may be convenient and necessary therefor. Such corporation shall, within sixty days from the time it takes any land otherwise than by purchase, file in the office of the registry of deeds for the county of Suffolk a description of each parcel of land so taken, as certain as is required in a common conveyance of land, together with a statement of the purpose for which the lands are taken, which description and statement shall be signed by the president of the corporation: *provided, however*, that no land or tracks of any railroad corporation shall be taken or interfered with, except for the connections required by section nine, without its consent; but any railroad corporation, having tracks in any street or location adjacent to the lands of the corporation hereby created, may, by agreement with said corporation, under the limitations of this act, re-locate its

May take and hold lands.

To file in the registry of deeds, a description of the land taken.

Proviso.

tracks, either upon lands of said corporation, or upon other lands, if any, belonging to such railroad corporation as may be necessary for connection with the tracks of said corporation.

Capital stock.

SECTION 5. The capital stock of said corporation shall not be less than two hundred and fifty thousand dollars, nor more than two million dollars, to be fixed and increased as may be necessary, from time to time, by vote of the corporation, and shall be divided into shares of the par value of one hundred dollars each, but said corporation shall not take any land or commence the transaction of business until the whole amount of the capital stock as then fixed shall have been paid in in cash agreeably to the provisions of the general laws relative to corporations organized under the laws of the Commonwealth, and a certificate thereof filed in the office of the secretary of the Commonwealth as required by section thirty-two of chapter two hundred and twenty-four of the acts of the year eighteen hundred and seventy.

Damages.

SECTION 6. When any land or real estate shall be taken under the provisions of this act, said corporation shall pay all the damages occasioned thereby; and said damages shall, in case the parties fail to agree upon the same, be determined and recovered in the manner provided in the general laws in respect to land and real estate taken by railroad corporations for the location and making of their railroads, or for depot and station purposes: *provided*, that any person or persons, or corporation, any part or portion of whose lands, lying in the same body, shall be taken by said corporation under this act, shall be entitled to surrender, by tender of a good and sufficient deed thereof to said corporation, the residue of their said land within six months from said taking, and in that case to recover the damages occasioned by taking the whole of said parcel, in the manner hereinbefore provided.

Proviso.

Certain railroad and steamship companies may hold stock.

SECTION 7. Any railroad corporation within or without the Commonwealth, owning a railroad, the tracks of which connect, either directly or over intervening roads, with the Troy and Greenfield Railroad, any steamship company engaged in the carriage of freight between the port of Boston and any foreign port, and any incorporated land transportation company, may subscribe for and hold stock in said Hoosac Tunnel Dock and Elevator Company, and in such case may be represented and vote at all meet-

ings of said last named corporation by its president, or any agent appointed by its board of directors for the purpose.

SECTION 8. Said corporation may, with the approval of the harbor commissioners, extend its wharves beyond the commissioners' line, in such manner and to such extent as the commissioners may deem proper; but in case of such extension, said corporation shall pay into the treasury of the Commonwealth such sum as said commissioners shall award as compensation for the extension of said wharves over the land of the Commonwealth.

Extension of wharves beyond the commissioners' line.

SECTION 9. The tracks of this corporation on their terminal grounds named in section four, in that part of Boston formerly Charlestown shall be connected with the tracks of the Fitchburg Railroad at or within the limits of said grounds, and any other railroad corporation which may hereafter be authorized to lay tracks in any street adjacent to such terminal grounds may connect its tracks with said tracks of this corporation; and if this corporation and the Fitchburg Railroad Company, or any such corporation authorized to connect, shall not agree upon the methods thereof they may be prescribed and altered by the railroad commissioners; but no change of the tracks of the Fitchburg Railroad or of any other railroad in the streets of the city of Boston shall be made for the purpose without the consent of the board of aldermen of said city. It shall be the duty of said corporation hereby created, to receive and store at reasonable rates and under reasonable regulations, and so far as their capacity may admit, all freights received, or to be sent through the Hoosac Tunnel, that shall be offered to said company.

Tracks to be connected with Fitchburg Railroad.

Storage of freight.

Said corporation shall make no discrimination for or against any railroad corporation desiring to do business on its premises, but if it shall not at any time have facilities for transacting all the business offering, it shall give preference to freights received, or to be sent, through the Hoosac Tunnel.

No discrimination to be made.

SECTION 10. Said corporation may issue its bonds, and secure them by mortgage of its property and franchise, to an amount not exceeding its capital stock then paid in.

May issue bonds.

SECTION 11. This act shall take effect upon its passage.

Approved April 29, 1879.

[1880, 124.]

[1876, 180.]

Chap. 290 AN ACT making Appropriations for the Improvement and Maintenance of the Troy and Greenfield Railroad and Hoosac Tunnel.*Be it enacted, etc., as follows:***Appropriations.**

SECTION 1. The sum of one hundred and twenty-nine thousand seven hundred and eighty-five dollars is hereby appropriated, to be expended under the direction of the governor and council, for the improvement and maintenance of the Troy and Greenfield Railroad and Hoosac Tunnel, as follows, namely:—

Troy and Greenfield Railroad. Double tracks.

A sum not exceeding sixty thousand dollars for the expenses of double tracking the Troy and Greenfield Railroad between North Adams and the state line of the state of Vermont.

Steel rails.

A sum not exceeding four thousand five hundred dollars for steel rails.

Land for sidings.

A sum not exceeding fifteen thousand dollars for sidings, and for land for sidings, gravel pits, and other purposes.

Arch and ventilating flues.

A sum not exceeding twenty thousand dollars for constructing an arch and one or more ventilating flues at the central shaft of the Hoosac Tunnel.

Excavating for and building brick arch.

A sum not exceeding five thousand two hundred and eighty-five dollars to excavate for and construct a brick arch between stations two thousand and twenty and two thousand and fifty-five in the Hoosac Tunnel.

Iron bridge at Deweyville.

A sum not exceeding twenty-five thousand dollars for constructing a double track iron bridge at Deweyville.

Unexpended balances to be used for sidings and ballasting.

Any balance of the foregoing appropriations unexpended after the fulfilment of the purpose for which it is made may be used for constructing sidings or in ballasting under the track in the Hoosac Tunnel. The foregoing sums shall be taken from time to time as required from the balance of the Troy and Greenfield Railroad fund in the treasury of the Commonwealth.

Money required under 1878, 277, to be paid from state treasury.

The sums of money required under chapter two hundred and seventy-seven of the acts of the year eighteen hundred and seventy-eight shall be paid from the treasury of the Commonwealth instead of from the earnings of the said railroad and tunnel.

SECTION 2. This act shall take effect upon its passage.

Approved April 30, 1879.

[1877, 192.]

AN ACT to provide for the Payment of State Aid to Disabled Soldiers and Sailors and their Families, and the Families of Deceased Soldiers and Sailors.

Chap. 301

Be it enacted, etc., as follows:

SECTION 1. Any city or town may raise money for the purposes of this act; and the treasurers thereof may, under the direction of the mayor and aldermen or the selectmen thereof, under the following conditions, pay state aid to, or expend it for, any person having a residence and actually residing in such city or town, who is not receiving aid from any other state, nor from any other city or town in this state, and who was an actual resident of this state on the twenty-third day of April in the year eighteen hundred and sixty-six, and who shall be in such necessitous circumstances as to require further public assistance, and who shall belong to either of the following classes; to wit:—

State aid to disabled soldiers and sailors and their families, and families of deceased soldiers and sailors.

First Class.—Invalid pensioners of the United States who served in the army or navy to the credit of the state of Massachusetts between the nineteenth day of April in the year eighteen hundred and sixty-one, and the first day of September in the year eighteen hundred and sixty-five, or, being actual residents of this state at the time of their enlistment, served to the credit of any other state between the nineteenth day of April in the year eighteen hundred and sixty-one, and the eighteenth day of March in the year eighteen hundred and sixty-two, who have been honorably discharged from said service, and who are so far disabled by their service in the army or navy as aforesaid, as to prevent them from following their ordinary and usual vocation.

Invalid pensioners.

Second Class.—Dependent relatives of soldiers or sailors who have served in the manner and under the limitations described for the service of invalid pensioners of the first class, and have, if not dying in such service, been honorably discharged therefrom, as follows; namely:—The widows, children, and widowed mothers, of soldiers or sailors dying in such service, or dying after their honorable discharge therefrom of wounds or disease incurred in said service, or dying while in the receipt of a pension of the United States and the state aid of this state, and the wives, children, and widowed mothers of invalid pensioners of the first class receiving from the United States at least one-half the amount allowed for total disability.

Dependent relatives of soldiers and sailors.

Widows, children, etc.

Chap. 259 AN ACT to authorize the Trustees of the Methodist Episcopal Church in Winchendon to convey their Parsonage.

Be it enacted, etc., as follows :

May sell parsonage.

SECTION 1. Authority is hereby given to the trustees of the Methodist Episcopal Church in Winchendon to sell and convey the real estate, occupied as a parsonage by said corporation, by deed or deeds of mortgage, quitclaim, warranty or otherwise, and to pass a valid title to the same.

SECTION 2. This act shall take effect upon its passage.

Approved April 25, 1879.

Chap. 260 AN ACT to confirm the Organization and Doings of the Second Congregational Society in Westfield.

Be it enacted, etc., as follows :

Organization and proceedings confirmed and ratified.

SECTION 1. The organization of the "Second Congregational Society in Westfield," formed in the year eighteen hundred and fifty-seven, and all the acts and proceedings in organizing said society, of the persons who associated themselves in said year for the purpose of organizing a corporation under the aforesaid title, and all other acts and proceedings of said corporation, so far as the same may be defective or invalid, are hereby ratified and confirmed, and said corporation shall hereafter be known as the "Second Congregational Society in Westfield."

SECTION 2. This act shall take effect upon its passage.

Approved April 25, 1879

[1876, 150; 1879, 189.]

Chap. 261 AN ACT relative to Alteration of the Crossing of Clay Hill Street in Greenfield and the Troy and Greenfield and Connecticut River Railroads.

Be it enacted, etc., as follows :

Laws relating to alteration of crossings of railroads and highways to apply.

SECTION 1. The laws relating to the alteration of crossings of railroads and highways, including sections ninety-six, ninety-seven, ninety-eight and one hundred and one of the general railroad act, of the year eighteen hundred and seventy-four, and chapter one hundred and seventy-five of the acts of the year eighteen hundred and seventy-eight shall be held to apply to the crossing of the highway and the Troy and Greenfield Railroad at Clay Hill Street in Greenfield, subject to the limitations herein

provided, and for all the purposes of this act so far as the Troy and Greenfield Railroad and the interests of the Commonwealth therein are concerned, the manager of said railroad may be made a party in all proceedings and shall have the rights and obligations provided in such laws for railroad corporations and the directors thereof. But no authority shall be given by this act to alter the location of the tracks of said railroad or to interfere with the use thereof for the business of said railroad.

SECTION 2. No alteration of said crossing shall be commenced until suitable provision shall have been made under said laws, or by agreement of parties interested, (to which agreement said manager shall be made a party to the extent necessary to give him power to compel compliance therewith), to the satisfaction of the county commissioners of the county of Franklin, for the alteration of the crossing of said highway and the Connecticut River Railroad in the manner and limits said commissioners may prescribe suitable for the connection and permanent public use of said highway under both said railroads; and the work of alteration of the crossing first named shall only proceed subsequently to, or concurrently with, the work of such alteration of the crossing of said highway and the Connecticut River Railroad. And the superior court shall have jurisdiction in equity to compel compliance with the decisions of the county commissioners and of the special commissioners provided for and made under this act, and said laws as to the making of the alterations decided upon in the crossing of said highway and either of said railroads, and, on the petition of said manager or other party, to compel the specific performance of any agreement entered into by the parties interested as aforesaid and to make and enforce such other orders and decrees in the premises as justice may require, and for the purposes of this act shall have the jurisdiction of the supreme judicial court provided for in said section ninety-eight.

SECTION 3. In the proceedings under this act and the laws herein referred to, for the appointment of special commissioners in the case of any alteration decided upon of the crossing of said highway and either of said railroads the inhabitants of any town in the county of Franklin, besides and in addition to the town of Greenfield, claimed to be benefited by the alterations proposed, may, on the petition of any party interested, be notified by

Agreement to be made satisfactory to county commissioners, in regard to crossing of highway and Connecticut River Railroad.

Superior court may compel compliance with decisions of commissioners.

Appointment of special commissioners.

Towns to be notified.

order of the court authorized to appoint said commissioners, or any judge of said court, in term time or vacation, by such notice served at least fourteen days before the first day of the term of hearing as said court or judge may order, to appear and be heard relative to the appointment of said commissioners, and they shall have the right to be heard as a party relative thereto, and in such case the special commissioners appointed in the case shall notify and admit such town to be heard as a party in the premises, in addition, to the other parties liable by law to be assessed for the payment of expenses, charges and costs, and may apportion the payment of any of the charges, expenses and costs in such case, referred to in said section ninety-eight, upon such town, to be recovered as provided by law from the other parties assessed, and such town shall have the rights of parties provided for in section two of chapter one hundred and seventy-five aforesaid.

Appropriation.

SECTION 4. For the purposes of this act a sum not exceeding seven thousand dollars is hereby appropriated to be paid from the treasury of the Commonwealth.

SECTION 5. This act shall take effect upon its passage.

Approved April 23, 1879.

Chap. 266

AN ACT providing for the Transfer of Records of Attachments from the Clerk's Office in the County of Middlesex to the Registry of Deeds in said County.

Be it enacted, etc., as follows:

Records of attachment to be transferred to registry of deeds.

The clerk of courts for the county of Middlesex is hereby directed to transfer the records of attachments and papers relating thereto, now in his office, to the registry of deeds for the southern district of said county.

Approved April 25, 1879.

[1877, 197; 1879, 67.]

Chap. 271

AN ACT in relation to the Stock of the New York and New England Railroad Company owned by the Commonwealth.

Be it enacted, etc., as follows:

Harbor improvement loan. Repeal of 1879, 67.

SECTION 1. Chapter sixty-seven of the acts of the year eighteen hundred and seventy-nine entitled "An Act to provide for the payment of the Harbor Improvement Loan" is hereby repealed.

State stock in New York and New England Railroad not to be sold.

SECTION 2. Nothing contained in any other act shall be so construed as to authorize the sale of any of the stock of the New York and New England Railroad Company

owned by the Commonwealth, and said stock shall be held for the purpose of redeeming and paying the principal and interest of the outstanding scrip issued by the Commonwealth in aid of the Boston, Hartford and Erie Railroad Company; but no sale thereof shall be made without the authority of the general court.

SECTION 3. This act shall take effect upon its passage.

Approved April 28, 1879.

[1880, 17, 200.]

[1847, 276; 1848, 106; 1849, 55; 1851, 63; 1853, 336; 1856, 114; 1857, 93; 1859, 97; 1863, 84; 1865, 18; 1868, 30; 1869, 361; 1870, 69; 1871, 343, 365; 1872, 37; 1873, 14, 348; 1874, 30, 310; 1875, 207.]

AN ACT to authorize the Boston, Barre and Gardner Railroad Corporation to mortgage its Property.

Chap. 272

Be it enacted, etc., as follows :

The Boston, Barre and Gardner Railroad Corporation is hereby authorized to issue bonds to an amount not exceeding one hundred thousand dollars, payable within twenty years from date, for the purpose of providing for the payment of its present floating indebtedness, and to make a mortgage upon its real and personal property for the purpose of securing the payment of said bonds only: *provided*, that nothing contained in this act shall affect any claim now pending against said corporation for damage caused by the construction of said railroad, or any existing rights of said claimants to secure the payment thereof.

May issue bonds not exceeding \$100,000.

Proviso.

Approved April 28, 1879.

[1860, 197.]

AN ACT to confirm the Organization of the Society of St. Vincent de Paul of the City of Boston.

Chap. 273

Be it enacted, etc., as follows :

SECTION 1. All the acts and proceedings done toward the organization of the Society of St. Vincent de Paul of the city of Boston, incorporated by chapter one hundred and ninety-seven of the acts of the year eighteen hundred and sixty-nine, by the corporators and their associates, and all other acts done by them as members of said corporation, so far as they are defective and invalid, are hereby ratified and confirmed.

Proceedings toward organization, ratified and confirmed.

SECTION 2. Said corporation may complete its final organization in accordance with the provisions of chapter sixty-eight of the General Statutes at any time before the first day of July next.

Organization may be completed.

SECTION 3. This act shall take effect upon its passage.

57

Approved April 28, 1879.

[1877, 153; 1878, 137.]

Chap. 276 AN ACT to extend the Time within which the Capital Stock of the Fidelity Assurance Company of Massachusetts may be paid in.

Be it enacted, etc., as follows :

Time for paying
in capital,
extended.

SECTION 1. The time within which the capital stock of the Fidelity Assurance Company of Massachusetts may be paid in is hereby extended to the first day of May in the year eighteen hundred and eighty.

SECTION 2. This act shall take effect upon its passage.

Approved April 29, 1879.

Chap. 277 AN ACT to incorporate the Hoosac Tunnel Dock and Elevator Company.

Be it enacted, etc., as follows :

Corporators.

SECTION 1. Frederick L. Ames, W. H. Lincoln, Charles U. Cotting, Robert Codman, Hugh J. Jewett, Thomas Dickson, their associates and successors, are hereby made a corporation by the name of "The Hoosac Tunnel Dock and Elevator Company," to be established in the city of Boston, with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force relating to all similar corporations organized under the general laws of this Commonwealth, except so far as otherwise especially provided by this act.

May construct
wharves, docks
and elevators.

SECTION 2. Said corporation is hereby authorized to construct and maintain docks, wharves, elevators, warehouses, and other buildings and structures suitable for terminal facilities for the reception, storing, delivering and forwarding of freight to be received or sent through the Hoosac Tunnel; also to transact all such business as is usually performed by persons or corporations engaged in receiving, storing or forwarding freight at the seaboard; and for that purpose may be appointed public warehouseman pursuant to the laws of the Commonwealth, but shall not be authorized to carry on the business of buying and selling merchandise. Said corporation may lay and maintain railroad tracks upon any of its wharves or terminal grounds and may, with the consent of, and in the methods and under the conditions imposed by the board of aldermen of the city of Boston, and with the consent of the board of railroad commissioners, connect the same with the tracks of any railroad corporation which shall have or

May be ap-
pointed a public
warehouseman.

lay tracks in any street adjoining the lands of this corporation. It may also lay tracks, to be operated by steam power, in such streets in that part of Boston called Charlestown as the board of aldermen of the city of Boston may permit, and subject to such regulations and conditions as said board may prescribe; but said board may at any time revoke such permission, and discontinue any such location, upon due notice and hearing of the parties in interest.

May lay railroad tracks.

SECTION 3. The crossing and use of all streets in the city of Boston, easterly of the freight-yard of the Fitchburg Railroad, in that part of said Boston formerly Charlestown, by the locomotives and cars upon the tracks of any railroad leading to the dock, wharf, elevator, warehouse, or other building or structure, of said corporation, shall be under such rules and regulations, and upon such conditions, as the board of aldermen of said city may prescribe.

Crossing of streets to be under rules prescribed by board of aldermen.

SECTION 4. Said corporation, for the purposes set forth in the preceding sections, at any time within one year from the passage of this act, may take and hold, by purchase or otherwise, any or all that parcel of land, with the wharves, docks and buildings thereon, lying between the commissioners' line and Water Street, and between the easterly line of wharf and dock formerly owned by the late Frederick Tudor, known as Tudor's Wharf, and the Navy Yard, in that part of Boston formerly Charlestown; and may at any time purchase and hold for said purposes any such wharves, land, docks and buildings thereon, as may be convenient and necessary therefor. Such corporation shall, within sixty days from the time it takes any land otherwise than by purchase, file in the office of the registry of deeds for the county of Suffolk a description of each parcel of land so taken, as certain as is required in a common conveyance of land, together with a statement of the purpose for which the lands are taken, which description and statement shall be signed by the president of the corporation: *provided, however*, that no land or tracks of any railroad corporation shall be taken or interfered with, except for the connections required by section nine, without its consent; but any railroad corporation, having tracks in any street or location adjacent to the lands of the corporation hereby created, may, by agreement with said corporation, under the limitations of this act, re-locate its

May take and hold lands.

To file in the registry of deeds, a description of the land taken.

Proviso.

tracks, either upon lands of said corporation, or upon other lands, if any, belonging to such railroad corporation as may be necessary for connection with the tracks of said corporation.

Capital stock.

SECTION 5. The capital stock of said corporation shall not be less than two hundred and fifty thousand dollars, nor more than two million dollars, to be fixed and increased as may be necessary, from time to time, by vote of the corporation, and shall be divided into shares of the par value of one hundred dollars each, but said corporation shall not take any land or commence the transaction of business until the whole amount of the capital stock as then fixed shall have been paid in in cash agreeably to the provisions of the general laws relative to corporations organized under the laws of the Commonwealth, and a certificate thereof filed in the office of the secretary of the Commonwealth as required by section thirty-two of chapter two hundred and twenty-four of the acts of the year eighteen hundred and seventy.

Damages.

SECTION 6. When any land or real estate shall be taken under the provisions of this act, said corporation shall pay all the damages occasioned thereby; and said damages shall, in case the parties fail to agree upon the same, be determined and recovered in the manner provided in the general laws in respect to land and real estate taken by railroad corporations for the location and making of their railroads, or for depot and station purposes: *provided*, that any person or persons, or corporation, any part or portion of whose lands, lying in the same body, shall be taken by said corporation under this act, shall be entitled to surrender, by tender of a good and sufficient deed thereof to said corporation, the residue of their said land within six months from said taking, and in that case to recover the damages occasioned by taking the whole of said parcel, in the manner hereinbefore provided.

Proviso.

Certain railroad and steamship companies may hold stock.

SECTION 7. Any railroad corporation within or without the Commonwealth, owning a railroad, the tracks of which connect, either directly or over intervening roads, with the Troy and Greenfield Railroad, any steamship company engaged in the carriage of freight between the port of Boston and any foreign port, and any incorporated land transportation company, may subscribe for and hold stock in said Hoosac Tunnel Dock and Elevator Company, and in such case may be represented and vote at all meet-

ings of said last named corporation by its president, or any agent appointed by its board of directors for the purpose.

SECTION 8. Said corporation may, with the approval of the harbor commissioners, extend its wharves beyond the commissioners' line, in such manner and to such extent as the commissioners may deem proper; but in case of such extension, said corporation shall pay into the treasury of the Commonwealth such sum as said commissioners shall award as compensation for the extension of said wharves over the land of the Commonwealth.

Extension of wharves beyond the commissioners' line.

SECTION 9. The tracks of this corporation on their terminal grounds named in section four, in that part of Boston formerly Charlestown shall be connected with the tracks of the Fitchburg Railroad at or within the limits of said grounds, and any other railroad corporation which may hereafter be authorized to lay tracks in any street adjacent to such terminal grounds may connect its tracks with said tracks of this corporation; and if this corporation and the Fitchburg Railroad Company, or any such corporation authorized to connect, shall not agree upon the methods thereof they may be prescribed and altered by the railroad commissioners; but no change of the tracks of the Fitchburg Railroad or of any other railroad in the streets of the city of Boston shall be made for the purpose without the consent of the board of aldermen of said city. It shall be the duty of said corporation hereby created, to receive and store at reasonable rates and under reasonable regulations, and so far as their capacity may admit, all freights received, or to be sent through the Hoosac Tunnel, that shall be offered to said company.

Tracks to be connected with Fitchburg Railroad.

Storage of freight.

Said corporation shall make no discrimination for or against any railroad corporation desiring to do business on its premises, but if it shall not at any time have facilities for transacting all the business offering, it shall give preference to freights received, or to be sent, through the Hoosac Tunnel.

No discrimination to be made.

SECTION 10. Said corporation may issue its bonds, and secure them by mortgage of its property and franchise, to an amount not exceeding its capital stock then paid in.

May issue bonds.

SECTION 11. This act shall take effect upon its passage.

Approved April 20, 1879.

[1880, 124.]

[1876, 150.]

Chap. 290 AN ACT making Appropriations for the Improvement and Maintenance of the Troy and Greenfield Railroad and Hoosac Tunnel.*Be it enacted, etc., as follows:*

Appropriations. SECTION 1. The sum of one hundred and twenty-nine thousand seven hundred and eighty-five dollars is hereby appropriated, to be expended under the direction of the governor and council, for the improvement and maintenance of the Troy and Greenfield Railroad and Hoosac Tunnel, as follows, namely:—

Troy and Greenfield Railroad. Double tracks. A sum not exceeding sixty thousand dollars for the expenses of double tracking the Troy and Greenfield Railroad between North Adams and the state line of the state of Vermont.

Steel rails. A sum not exceeding four thousand five hundred dollars for steel rails.

Land for sidings. A sum not exceeding fifteen thousand dollars for sidings, and for land for sidings, gravel pits, and other purposes.

Arch and ventilating flues. A sum not exceeding twenty thousand dollars for constructing an arch and one or more ventilating flues at the central shaft of the Hoosac Tunnel.

Excavating for and building brick arch. A sum not exceeding five thousand two hundred and eighty-five dollars to excavate for and construct a brick arch between stations two thousand and twenty and two thousand and fifty-five in the Hoosac Tunnel.

Iron bridge at Deweyville. A sum not exceeding twenty-five thousand dollars for constructing a double track iron bridge at Deweyville.

Unexpended balances to be used for sidings and ballasting. Any balance of the foregoing appropriations unexpended after the fulfilment of the purpose for which it is made may be used for constructing sidings or in ballasting under the track in the Hoosac Tunnel. The foregoing sums shall be taken from time to time as required from the balance of the Troy and Greenfield Railroad fund in the treasury of the Commonwealth.

Money required under 1876, 277, to be paid from state treasury. The sums of money required under chapter two hundred and seventy-seven of the acts of the year eighteen hundred and seventy-eight shall be paid from the treasury of the Commonwealth instead of from the earnings of the said railroad and tunnel.

SECTION 2. This act shall take effect upon its passage.

Approved April 30, 1879.

[1877, 192.]

AN ACT to provide for the Payment of State Aid to Disabled Soldiers and Sailors and their Families, and the Families of Deceased Soldiers and Sailors.

Chap. 301

Be it enacted, etc., as follows:

SECTION 1. Any city or town may raise money for the purposes of this act; and the treasurers thereof may, under the direction of the mayor and aldermen or the selectmen thereof, under the following conditions, pay state aid to, or expend it for, any person having a residence and actually residing in such city or town, who is not receiving aid from any other state, nor from any other city or town in this state, and who was an actual resident of this state on the twenty-third day of April in the year eighteen hundred and sixty-six, and who shall be in such necessitous circumstances as to require further public assistance, and who shall belong to either of the following classes; to wit:—

State aid to disabled soldiers and sailors and their families, and families of deceased soldiers and sailors.

First Class.—Invalid pensioners of the United States who served in the army or navy to the credit of the state of Massachusetts between the nineteenth day of April in the year eighteen hundred and sixty-one, and the first day of September in the year eighteen hundred and sixty-five, or, being actual residents of this state at the time of their enlistment, served to the credit of any other state between the nineteenth day of April in the year eighteen hundred and sixty-one, and the eighteenth day of March in the year eighteen hundred and sixty-two, who have been honorably discharged from said service, and who are so far disabled by their service in the army or navy as aforesaid, as to prevent them from following their ordinary and usual vocation.

Invalid pensioners.

Second Class.—Dependent relatives of soldiers or sailors who have served in the manner and under the limitations described for the service of invalid pensioners of the first class, and have, if not dying in such service, been honorably discharged therefrom, as follows; namely:—The widows, children, and widowed mothers, of soldiers or sailors dying in such service, or dying after their honorable discharge therefrom of wounds or disease incurred in said service, or dying while in the receipt of a pension of the United States and the state aid of this state, and the wives, children, and widowed mothers of invalid pensioners of the first class receiving from the United States at least one-half the amount allowed for total disability.

Dependent relatives of soldiers and sailors.

Widows, children, etc.

Dependent
relatives.

Third Class.—Dependent relatives of soldiers or sailors who served as aforesaid to the credit of the state of Massachusetts between the nineteenth day of April in the year eighteen hundred and sixty-one, and the first day of September in the year eighteen hundred and sixty-five, who appear on the rolls of their respective regiments or companies, in the office of the adjutant-general, to be missing, or to have been captured by the enemy, and who have not been exchanged, and have not returned from captivity, and who are not known to be alive, as follows; namely:—The widows, or wives, children, and widowed mothers, of such soldiers or sailors: *provided*, that no such relative of any such soldier or sailor shall belong to this class, or be aided as such, if the municipal authorities granting the aid shall have good and sufficient reason to believe that such soldier or sailor deserted, or that he is still living, and wilfully absent from his family.

Proviso.

Persons receiv-
ing state aid
prior to April
11, 1867.

Fourth Class.—Persons who were receiving state aid prior to the eleventh day of April in the year eighteen hundred and sixty-seven, and who were precluded therefrom by the provisions of the act of that date: *provided*, the mayor and aldermen or selectmen shall in each case be satisfied upon evidence first reported to the commissioners of state aid, and satisfactory to them, that justice and necessity require a continuance of the aid to prevent actual suffering.

Proviso.

Wife or widow
not to receive
aid unless mar-
ried before dis-
charge of sol-
dier, etc., from
service.

SECTION 2. No wife or widow of any discharged soldier or sailor shall be held to belong to either of the foregoing classes, or be aided as such, unless she was married to him prior to his final discharge from the service aforesaid. No person shall be held to be a child in either the second, third or fourth classes above named, or shall be aided as such, who is over fourteen years of age, or who was born after the father's discharge from the service aforesaid, or who was born after the first day of September in the year eighteen hundred and sixty-five; but the term "children" may be held to include any child born after the death of the father in said service. The words "invalid pensioners," "soldiers," and "sailors," singular or plural, used in this act, shall be held to include commissioned officers.

Commissioned
officers.

Persons paid aid
under special
acts to be classi-
fied under this
act.

SECTION 3. All persons specifically referred to, and to or for whom state aid is paid under any special act or resolve now in force, shall be held to belong to their

appropriate classes under this act, — namely, soldiers and sailors to the first class, and the dependent relatives of soldiers and sailors to the second class, — notwithstanding the limitations of such classes; and state aid may be paid to or for such persons after the first day of January in the year eighteen hundred and eighty, in the same manner and under the same limitations that state aid is paid to other persons of their respective classes under this act. All special acts and resolves granting state aid are hereby repealed, the repeal thereof to take effect on the first day of January in the year eighteen hundred and eighty; but no state aid shall be paid under any such special act or resolve to or for any child over fourteen years of age of any soldier or sailor after the passage of this act, nor to any child of any soldier or sailor after the first day of September in the current year: *provided, however*, that this section shall not be held to apply to or to refer to chapter two hundred and fifty-two of the acts of the year eighteen hundred and seventy-nine, nor to any resolve specifically granting an annual sum to any soldiers or sailors for life, or for a term of years specified in such resolve.

Special acts and
resolves
repealed.

Provided.

SECTION 4. No state aid shall be paid under this act to or for any person of the first class to an amount exceeding three-fourths of the monthly amount of his pension, nor more than six dollars in any one month; and, if pensioned as a commissioned officer, he shall only be paid such proportion of state aid as he would be entitled to receive if his pension were based upon the rank of a private. No state aid shall be paid under this act to or for any person of the second, third or fourth classes, to an amount exceeding four dollars in any one month; and no more than eight dollars shall be paid to or for all the dependent relatives of any one soldier or sailor in any one month.

Limitation of
payments.

SECTION 5. All aid furnished under this act shall be paid to or for the persons for whom it is intended for their future benefit; and no assignment thereof shall be valid or recognized, and it shall not be subject to trustee process. No back state aid shall be paid. No greater sum shall be paid to or for any person under this act than shall be necessary to furnish such person reasonable relief; and no aid shall be paid under its provisions to or for any person competent to support himself or herself, or in receipt of income, or in ownership of property, sufficient for his or her own support, nor to or for any person more than is

Assignment
invalid.

Not subject to
trustee process.

necessary in addition to the income and property of such person for his or her personal relief, and no aid shall be paid under this act to any person not in such necessitous circumstances as to require further public assistance. No aid shall be paid under this act to or for any pensioner or dependent relative when the necessity therefor arises from the continuance in vicious or intemperate habits of said pensioner, or of the soldier or sailor on whose account the same is paid. No aid shall be paid under this act to or for any person convicted of any criminal offence, unless or until the municipal authorities and the commissioners of state aid otherwise determine.

Not to be paid to persons of intemperate habits.

Mode of application for aid.

SECTION 6. Persons making application for aid in any city or town under this act shall, as a basis for the first payment thereof, state in writing, under oath, the age and residence of the party for whom such aid is claimed; the relation of the claimant to the party who rendered the service for which aid is claimed; the company and regiment, or the vessel, if any, in which the officer, soldier or sailor enlisted, and in which he last served; the date and place of such enlistment, when known; the duration of such service, and the reason upon which the claim for aid is founded; and furnish such official certificates of record, evidence of enlistment, service, and discharge, as may be required. Municipal authorities granting to such claimant any subsequent aid shall from time to time make such investigation into the necessities of said claimant and the facts of the case as to preclude any payment thereof contrary to the terms of this act. The original papers in each case shall be filed with the commissioners of state aid if required. It shall be the duty of the auditor to furnish from time to time to each city and town a sufficient number of suitable blank forms for the use of applicants for aid under this act.

Blank forms to be furnished by auditor.

Commissioners of state aid.

Board of appeal.

SECTION 7. The commissioners of state aid, appointed under chapter two hundred and fifty-two of the acts of the year eighteen hundred and seventy-nine, shall perform the duties of such commissioners under this act. Said commissioners shall constitute a board of appeal for invalid pensioners to decide upon all disputed questions relating to claims for aid arising between them and the municipal authorities under this act. Their decisions shall be final upon the points in question. Said commissioners may, upon appeals, decide or refuse to decide, upon the

necessity of the claimant for the aid; and if they shall decide upon that question, and that he is in all respects entitled to aid under this act, they may authorize its monthly payment to him according to this act, under such limitations as they may impose, for a term not exceeding one year, but not after this act shall become void. Said commissioners shall investigate all payments of state aid under this act, so far as the interests of the Commonwealth may require.

Said commissioners may with the consent of the governor appoint, as occasion may require, a disinterested person whose duty it shall be to investigate any claim or claims made against the Commonwealth for reimbursement under this act, who may examine any persons to or for whom state aid has been paid under this act, and investigate the reasons therefor, and all matters relating to the granting of such aid, and report his doings to said commissioners. The reasonable expenses of the commissioners and the expenses and compensation of any such disinterested person approved by said commissioners, and allowed by the governor and council, shall be paid from the treasury of the Commonwealth.

Investigation of
claims for reim-
bursement.

SECTION 8. When any sum shall have been expended under and according to this act, the full amount so expended, the ages and names of the persons aided and the classes to which they severally belong, and the several sums paid to or for each person, and the reasons for the expenditure in each case, and the names of the persons on account of whose services the aid was granted, and the names of the regiments and vessels, if any, in which they respectively enlisted and in which they last served, and the relationship of each dependent relative aided to the person on account of whose services the aid was granted, with such other details as the commissioners of state aid may require, shall be certified under oath to the auditor, in manner approved by him, by the mayor and a majority of the board of aldermen of any city, or by a majority of the selectmen of any town, disbursing the same, within ten days after the first day of the month next after the expenditure is made; and the commissioners of state aid shall examine the certificates thereof, and allow and endorse upon the same such sums as in their judgment have been paid and reported according to this act. In the allowance of said commissioners they may consider and

Cities and towns
to certify under
oath to the
auditor.

Allowance by
the commission-
ers.

Reimbursement from the state.	decide upon the necessity of the amount paid in each case, and they may allow any portion thereof which they may deem proper and lawful, but they shall allow and endorse the sums they have specifically authorized to be paid, under and according to their decisions authorized and provided for by section seven. The sums legally paid as aforesaid, and so allowed and endorsed by said commissioners, shall be reimbursed from the treasury of the Commonwealth to the several towns and cities expending the same, on or before the first day of December in the year next after the year in which the same have been paid, but none of the expenses attending the payment of state aid shall be reimbursed.
Not to cause disqualification to vote.	SECTION 9. Moneys paid under this act shall be held to be military aid, and the payment thereof to or for any person shall create in him no disqualification to vote.
To continue in force until Jan. 1, 1886.	SECTION 10. The provisions of this act shall continue in force until the first day of January in the year eighteen hundred and eighty-five and no longer; and no special act or resolve hereafter passed granting state aid to persons therein named, or their dependent relatives, shall continue in force after that date unless otherwise expressly provided. But the expiration of this act shall not be held to revive any act or resolve, or any part thereof, in this act repealed.
Repeal of 1877, 192.	SECTION 11. Chapter one hundred and ninety-two of the acts of the year eighteen hundred and seventy-seven is hereby repealed; but this act shall not be held to revive any act or resolve, or any part thereof, heretofore repealed; and wherever in section three of chapter two hundred and fifty-two of the acts of the year eighteen hundred and seventy-nine, reference is made to said chapter one hundred and ninety-two, such reference shall be held to be made to this act in place thereof.
To take effect June 1, 1879.	SECTION 12. This act shall take effect upon the first day of June in the current year. <i>Approved April 30, 1879.</i> [1881, 26.]

Chap. 302 AN ACT to confirm the Doings of the First Congregational Society of Lee.

Be it enacted, etc., as follows :

Proceedings ratified and confirmed.	SECTION 1. The proceedings of the First Congregational Society of Lee, relating to the election of its collectors and treasurers heretofore, are hereby ratified and confirmed, any defects or informalities therein to the con-
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trary notwithstanding; and all the acts done by any and all of said collectors and treasurers are made valid and confirmed to the same extent as though they had been severally sworn and qualified to discharge the duties of their respective offices; and the officers chosen at the last annual meeting of said society are hereby declared to be duly elected officers of said society; and all other acts and proceedings of said corporation, so far as the same may be defective or invalid, are hereby ratified and confirmed.

Officers declared
to be duly
elected.

SECTION 2. This act shall take effect upon its passage.

Approved April 30, 1879.

CHANGE OF NAMES OF PERSONS.

In compliance with the 14th section of the 110th chapter of the General Statutes, returns of the following Changes of Names have been received at the Department of the Secretary of the Commonwealth, as decreed by the several Judges of the Probate Courts, in their respective Counties:—

SUFFOLK COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1878.			
Jan. 7, .	Henry Malone,*	Charles Howard Lombard,	Boston.
7, .	Lillian Eva Tucker,*	Lillian Eva Brickett,	Lawrence, Mass.
7, .	Lily O'Rourke,*	Eva Minerva Smith,	Boston.
14, .	Gertrude Maud Williams,*	Gertrude Susan Sherwin,	Boston.
14, .	Annie Dillminard,*	Alberta Waters,	New York City.
14, .	M. Stanislaus Ochs,	Stanislaus Xavier Boswin,	Boston.
21, .	Ellen Judge,*	Nellie Judge Harrison,	Boston.
21, .	Allie Jeanette Austin,*	Allie Jeanette Squire,	Boston.
21, .	Alna Jane Austin,*	Alna Jane Squire,.	Boston.
21, .	Edith Elizabeth Leach, formerly Lizzie Cronin,*	Nellie McLand,	Boston.

CHANGE OF NAMES

463

Jan. 21, .	Joseph Jacob Hoeffert, .	Joseph Homer, .	Boston.
Feb. 4, .	Mary Moore Dean,* .	Mary Moore Walker, .	Boston.
4, .	William McDonald,* .	George Edmond Dunham, .	Boston.
11, .	Colestia Mary Smith,* .	Marabell Ruth Mason, .	Boston.
18, .	Alice Richardson,* .	Lina Gertrude Hanson, .	Boston.
18, .	Lizzie Mabel Norcross,* .	Hattie Mabel Tate, .	Boston.
18, .	Elizabeth Augusta Elliott,* .	Elizabeth Elliott Reed, .	Boston.
18, .	Louis Roberts Whitehouse,* .	Lou Allen Whitehouse Browne, .	Boston.
25, .	Arthur Adams,* .	Arthur Howard Whitney, .	Boston.
25, .	Ellen Frances Hews,* .	Emma Nickerson, .	Boston.
25, .	Mary Elizabeth Hoff r,* .	Mary Lizzie Sprague, .	Boston.
Mar. 4, .	Lizze Wood Marple,* .	Lizzie Wood Thompson, .	Boston.
4, .	Emma Celia Whittemore,* .	Pamelia Dana Whitney, .	Boston.
4, .	Francis Henry Mattrass,* .	Francis Henry Cowin, .	Boston.
4, .	Edward Everett Kidney,* .	Edward Everett Balch, .	Boston.
4, .	Maud ———,* .	Olla Maud Blackwood, .	Boston.
11, .	Emma Marshall,* .	Gertie May Wainwright, .	Boston.
11, .	Frankie Brown,* .	Frank Walter Bishop, .	Boston.
11, .	Marietta Wallace,* .	Alice Frances Raymond, .	Boston.
18, .	Mary Jane Gercett,* .	Adrieth Hoyt, .	Boston.

* Names changed by reason of adoption.

CHANGE OF NAMES.

SUFFOLK COUNTY — Continued.

Date of Decree.	Original Name.	Name Deceed.	Residence.
1878.			
Mar. 18, .	James Albert Fletcher,*	James Albert Hanscom,	Boston.
25, .	Gertrude Musso Purrington,*	Josie Ella Silsby, .	Boston.
April 1, .	Mary Brown Noyes,*	Harriet Allen Bedlington,	Boston.
15, .	Mary Donovan,*	Mary Emma Whiteside,	Boston.
15, .	Mary Stewart,*	Cora Edith Burnham,	Boston.
22, .	Oscar Alexis Simmersström,	Oscar Alexis Norman,	Boston.
29, .	Isabella Graham,*	Isabella Frances Belcher,	Boston.
29, .	Mary Elizabeth Hayes,*	Rebecca Eunice Hill,	Boston.
29, .	Blanche May Howe,*	Blanche May Gerrish,	Boston.
May 6, .	Dora Bachelder,*	Dora Smith, .	Wakefield, Mass.
6, .	Leland Peters,*	Leland Weeks,	Boston.
6, .	Francis James Peters,*	Francis James Weeks,	Boston.
6, .	John Wood Goldthwait,*	Frank Ayres Daggett,	Boston.
6, .	Eugene Sanborn,*	Asa Howard Emery,	Boston.
18, .	Leroy Owens,*	Cuthbert Parkhurst Redder,	Boston.
18, .	Edwin Elias Wright,*	George Otis Eaton,	Boston.
20, .	Willy Curley,*	Willie Weeks,	Boston.

CHANGE OF NAMES.

465

May 20, .	Jennie Marzynski,	Jennie Mason,	Boston.
20, .	Waldo Henry Marzynski,	Waldo Henry Marzynski Mason,	Boston.
20, .	Henry Marzynski,	Henry Marzynski Mason,	Boston.
20, .	William Myers,*	Frederick Mercer,	Boston.
20, .	Alice Loring,*	Florence Isabelle Garrett,	Boston.
20, .	Richard Tuttle Bradlee,*	Willy Charles Erras,	Boston.
27, .	Rollin Allain Goodenough,	Stanislas Allain Farley,	Boston.
27, .	Alfred O'Connor, <i>alias</i> Grant,*	Frederick Grant Young,	Boston.
27, .	Frank Henry Dewey,*	Frank Dewey Hodgkins,	Boston.
27, .	Wendell Jones Faber,*	Ernest McGauley,	Boston.
27, .	Henry Frank Dewey,*	Henry Dewey Hodgkins,	Boston.
27, .	Eleanor Shattuck Goodenough,	Eleanor Shattuck Farley,	Boston.
June 8, .	John Thomas Tyman,*	George Herbert Cameron,	Boston.
8, .	Eva Hyde,*	Ella Frances Pierce,	Boston.
8, .	Grace Richards Hitt,	Grace Richards Drake,	Boston.
8, .	Fred Crouse Piper,	Fred Crouse Raymond,	Boston.
8, .	Josiah Fletcher Osgood,	Fletcher Osgood,	Chelsea.
10, .	George Peterson,*	Thomas Charles Robertson,	Boston.
10, .	Carrie May Hurley,*	Carrie May Dodge,	Boston.
17, .	Ruth Preston,*	Ida May Clifford,	Boston.

* Names changed by reason of adoption.

CHANGE OF NAMES

SUFFOLK COUNTY — *Concluded.*

Date of Decree.	Original Name.	Name Decreed.	Residence.
1878.			
June 17, .	William Williams,*	Frank Crane,	Boston.
17, .	Eva Adeline Brown,*	Eva Adeline Black,	Boston.
24, .	Arthur Henry Crompton,*	Arthur Henry Wright,	Boston.
July 22, .	Lillian Wilkinson Spellman,*	Lillian Wilkinson Potter,	Boston.
22, .	Gertrude Fuller,*	Rae Blanche Silsby,	Boston.
29, .	Mary C. Clark,	Mary C. Reynolds,	Chelsea.
29, .	Agnes Gardner,*	May Mary Henderson,	Boston.
Aug. 19, .	Lucy Evans,*	Jennie Alice Boyver,	Boston.
19, .	Grace Gouldrop,*	Bertha Viola Grindle,	Boston.
Sept. 16, .	Lillian Bell Lyon,*	Ethel Elmira Ford,	Boston.
28, .	John Christopher Brickley,	John Christopher Brickley Bryant,	Boston.
28, .	Bertha Elasser,*	Bertha Elasser Ryan,	Boston.
28, .	Catherine Elasser,	Catherine Elasser Russell Laforme,	Boston.
30, .	Frank Chapman,*	William Howard Hill,	Boston.
30, .	Augusta Frederika Moses,*	Augusta Frederika Reuter,	Boston.
Oct. 7, .	Laura Louise Hall,*	Laura Louise Morse,	Lowell, Mass.
7, .	Grace Lillian Partridge,*	Grace Helen Clifford,	Boston.

Oct. 7, .	Lizzie Florence Partridge,*	.	.	Angie May Robinson, .	.	Boston.
28, .	Child of Annie E. Newell,*	.	.	Ethlyn Gertrude Wood,	.	Boston.
28, .	Katie Alma West,*	.	.	Kathleen Hamilton Malloch,	.	Boston.
28, .	Mary Eliza Lee,*	.	.	Ethel Mary Cheney,	.	Boston.
Nov. 4, .	Mary Jane Gordon, otherwise Mary Hines,*	.	.	Ellen Maria Murphy,	.	Boston.
Dec. 9, .	Patrick Francis Flaherty,	.	.	Patrick Flaherty Ferris,	.	Boston.
16, .	Grace Elizabeth Madden,*	.	.	Florence Agnes Humphrey,	.	Boston.
23, .	Flora Fleming,*	.	.	Ruth Ruby Frost,	.	Boston.
28, .	Lucius Clark Edwards, jun.,*	.	.	Louis Shirley Chase,	.	Boston.
28, .	Minnie Engel Schemmel,*	.	.	Georgianna Williams,	.	Boston.
30, .	Minnie Smith,*	.	.	Lillian Pierce Howard,	.	Boston.

ESSEX COUNTY.

Jan. 7, .	Emma Bohring,*	.	.	Emma Brown,	.	Salisbury.
19, .	Susan Myrtle,*	.	.	Susan Gardner,	.	Methuen.
28, .	Caroline Goldie,*	.	.	Eva Maud Emlyn,	.	Lynn.
Feb. 4, .	Arthur P. Lincoln,*	.	.	Arthur P. Poor,	.	Danvers.
18, .	Josephine Rollins,*	.	.	Josephine Beaver,	.	Salem.

* Names changed by reason of adoption.

ESSEX COUNTY—Continued.

Date of Decree.	Original Name.	Name Deceased.	Residence.
1878.			
Feb. 27, .	Eva Louisa Dalrymple, .	Eva Louisa Creesy, .	Salem.
April 1, .	Paul Sieber, <i>alias</i> Jacob Sieber,*	Willie Everett Hollis, .	Lynn.
1, .	Elizabeth Adelaide Stevens,*	Elizabeth Florence Potter, .	Boxford.
8, .	Charles A. Kent,*	Charles A. Clark, .	Beverly.
15, .	Frank Perry,*	Frank Hoyt, .	Newburyport.
15, .	Hattie Childs,*	Helen Adelaide Butler, .	Lynn.
22, .	Margaret Florence Charlotte Olson,*	Ann Allison Crawford, .	Lawrence.
May 6, .	Frederick Norman Sherwood,*	Frederick Sherwood Webb, .	Salem.
18, .	Eleanor May,*	Gertrude May Banks, .	Haverhill.
27, .	Mary E. O'Brine, .	Mary E. Emerson, .	Haverhill.
June 10, .	James Goodhue,*	James Goodhue Tuttle, .	Salem.
24, .	Elizabeth W. Soule, .	Elizabeth W. Pike, .	Salisbury.
Oct. 7, .	Jessie M. Noyes,*	Jessie Malcolm Hutchins, .	Lynn.
Dec. 15, .	Charles Walter Allston, .	Charles Walter Allston Thurston, .	Lynn.

CHANGE OF NAMES.

469

MIDDLESEX COUNTY.

Jan. 1, .	Susan Parsons,	Miniola Landry,	Lowell.
1, .	Lilly Abbott, <i>alias</i> Lilly Edinborough, .	Eva Carrie Wright,	Medford.
15, .	Frederick H. Hathaway,	George Melvin Wascott,	Newton.
22, .	Hattie Livingstone,	Hattie Jane Buchanan,	Lowell.
Feb. 5, .	Charles Frederick Gifford,	Charles Frederick Raymond,	Cambridge.
5, .	Emma Anderson,	Anna Maria Newhall Clough,	Cambridge.
5, .	Herbert Lincoln Crawford,	Lincoln Crawford Heywood,	Belmont.
5, .	Clara Forbush Cutler,	Clara Adelaid Forbush,	Natick.
12, .	Marion Marks,	Harriet Hartwell Knowlton,	Lowell.
Mar. 5, .	Esther Ann Roberts,	Mary Etta Kimball,	Wakefield.
5, .	William T. Pierson,	Harrie Elton Ward,	Somerville.
12, .	Emma Axtell,	Emma Louisa Hinckley,	Malden.
19, .	Susan E. Chase,	Susan Everline Wheeler,	Somerville.
26, .	Mary Jones,	Grace Emily Cooper,	Natick.
April 9, .	Maude Florence McInnes,	Maude Florence Collins,	Medford.
23, .	Harold Moore,	Harold Woodbury Davis,	Waltham.
23, .	Albert James Fisher Kelley,	Ralph Ernest Mayhew,	Cambridge.
May 7, .	Charles Miller,	Henry Parks Sherman,	Wayland.

* Names changed by reason of adoption.

MIDDLESEX COUNTY — Concluded.

Date of Decree.	Original Name.	Name Deceed.	Residence.
1878.			
May 14, .	Grace Abbie Colburn, .	Grace Abbie Gates, .	Framingham.
21, .	Gertrude Ball, .	Gertrude Fairchild, .	Stoneham.
28, .	Frank P. Burgin, .	Frank Penly Briggs, .	Ayer.
28, .	Fred B. Burgin, .	Fred Byron Briggs, .	Ayer.
June 4, .	May A. Colburn, .	Maud Coburn, .	Hopkinton.
25, .	Lydia Lincoln Choate, .	Lydia Lincoln Choate Wright, .	Sudbury.
July 16, .	Louis James Munroe, .	Louis James McDonnell, .	Lowell.
16, .	Jennette Lizzie James, .	Jennette Lizzie Stratton, .	Lincoln.
23, .	Mary Adellah Thayer, .	Mary Adellah Howorth, .	Malden.
Aug. 6, .	Isabella White, .	Isabella Stephenson, .	Cambridge.
6, .	Harriet Thompson, .	Harriet Louise Symmes, .	Arlington.
Sept. 8, .	Name unknown, .	Charlotte Marie Therese Wieland, .	Medford.
17, .	Jennie E. Clifton, .	Mabel Jane Trombley, .	Lowell.
24, .	Arthur W. Richardson, .	Arthur Warren Richardson, .	Woburn.
Oct. 22, .	Susie McGonigle, .	Susie Doherty, .	Stoneham.
22, .	Mabel Jane Trombley, .	Maud Clifton Pinkham, .	Lowell.
Nov. 10, .	Nellie E. Freeman, .	Nellie Endora Booby, .	Lowell.

Nov. 19, .	Edith White, .	.	.	.	Edith Brookings White Sanborn, .	Somerville.
10, .	Gertrude Black, .	.	.	.	Gertrude Beatrice Gregg, .	Watertown.
26, .	Evangeline Longfellow, .	.	.	.	Grace Morrill Teele, .	Somerville.

WORCESTER COUNTY.						
Jan. 1, .	Mary Robinson, .	.	.	.	Lizzie Scott Buckley, .	Northbridge.
1, .	Lizzie Bohring, .	.	.	.	Lizzie Jeannette Perry, .	Athol.
1, .	Willie Ethan Allen, .	.	.	.	William Ethan Allen, .	Worcester.
15, .	Maria Leahey, .	.	.	.	Maud Anne Kelley, .	Oxford.
Feb. 5, .	Katie Baldwin, .	.	.	.	Florence May Litchfield, .	Lunenburg.
5, .	— — —, .	.	.	.	Freddie Gilbert Hale, .	Royalston.
5, .	Elizabeth A. Patrick, .	.	.	.	Elizabeth Adelaide Potter, .	Worcester.
19, .	Caroline Callon, .	.	.	.	Ellen Caroline Gleason, .	Sturbridge.
Mar. 5, .	Michael Harrigan, .	.	.	.	Frank Webster Allen, .	Warren.
19, .	Isabella Gould, .	.	.	.	Mary Bell Harris, .	Worcester.
19, .	Mabel Pierson Percy, .	.	.	.	Alice Mabel Talbot, .	Hubbardston.
19, .	Blanche Pigeon, .	.	.	.	Jennie Blanche Thompson, .	Worcester.
April 2, .	Addie Laura Foster, .	.	.	.	Addie May Willoughby, .	Fitchburg.
2, .	Eugene Brigham Fuller, .	.	.	.	Frank Eugene Brigham, .	Oakham.

WORCESTER COUNTY — Concluded.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1878.			
April 9, .	Sarah Jaques,	Sarah Elizabeth Bradbury, . . .	Millbury.
May 7, .	Edward Bassett, <i>alias</i> Edward Hoxie, .	Charles Sumner Whitney Wright, .	Harvard.
7, .	Carl Klinschuster,	Carl Mohr,	Worcester.
21, .	Sylvia Ann Byam,	Sylvia Sabry Bemis,	Royalston.
21, .	Wallace L. Lane,	Wallace L. Sargent,	Lancaster.
Sept. 3, .	Samuel Parkinson,	Minot Volney Bastian,	Clinton.
8, .	Bessie Maria Acres,	Bessie Elizabeth Parmenter, . .	Princeton.
17, .	Susie Lewis,	Lizzie Mabel Austin,	Oakham.
Nov. 7, .	Sarah J. Woodward,	Sarah J. Billings,	Athol.
19, .	George Washington Outhank,	George Washington Rice,	Southborough.
26, .	Kate Boyle,	Maud Rena Walker,	Fitchburg.
Dec. 17, .	— — — — —,	Frances Louisa Doane,	Warren.
17, .	Mabel Arbing,	Ethel Marion Lillie,	Millford.

HAMPSHIRE COUNTY.

Mar. 6, .	Charles Washington,	Charles Arthur Cole,	Northampton.
April 3, .	Mary Hannah Fitzgerald,	Mary Hannah Eager,	Northampton.

June 4, .	Agnes Bolton,	Agnes Bolton Howard,	Amherst.
July 2, .	Florence Ann Frizello,	Hattie Mary Redding,	Amherst.
Dec. 17, .	Emma Louisa Barton,	Emma M. Sprague,	Ware.

HAMPTON COUNTY.			
Feb. 5, .	Lottie Annie Estella Lee,	Lottie Annie Estella Manegin,	Longmeadow.
Mar. 11, .	Foundling,	Gertrude May Smith,	Holyoke.
April 2, .	Grace Mieliez,	Grace Judson Root,	Hartford, Conn.
May 7, .	Dwight Varnum Dixon,	Harry Dwight Tuttle,	Holyoke.
June 4, .	Ralph Howard Farrington,	Ralph Howard Nevins,	Holyoke.
July 3, .	Desmond Annis Taisey,	Bertha Augusta Smith,	Holyoke.
8, .	Frederick Lapworth Eastman,	George Gilbert Tucker,	Westfield.
Aug. 1, .	Annie May Ross,	Annie May Coomes,	Springfield.
Sept. 4, .	Henry Powell Hughes,	Henry Powell Tye,	Chicopee.
Nov. 6, .	Mabel Chandler,	Lucy Augusta Barton,	West Springfield.
Dec. 3, .	Lena Davis,	Lena Jones,	Chicopee.

FRANKLIN COUNTY.

Date of Decree.	Original Name.	Name Deceed.	Residence.
1872.			
Jan. 15, .	— — —, *	Nettie L. Hale, .	Gill.
Mar. 5, .	Isaetta B. Smith,*	Isaetta B. Thompson, .	New Salem.
May 7, .	Mary A. Burnham,*	Eva Turner, .	Greenfield.
21, .	Ella A. Anthoine,*	Ella O. Holman, .	Montague.
June 4, .	Emma F. Smith, .	Emma F. Clifford, .	Northfield.
4, .	Lucinda A. Hore,*	Angeline Freeman, .	Conway.
Sept. 8, .	Bela A. Wilds,*	George N. Bryant, .	Ashfield.
8, .	Ellen L. Flagg,*	Ellen L. Mack, .	Orange.
Dec. 8, .	Walter H. Saxton,*	William M. Fisher, .	Montague.
10, .	James E. Bliss,*	James E. Luisea, .	Orange.

BERKSHIRE COUNTY.

Feb. 5, .	Alton Wesley Fielding, .	Alton Wesley Rouse, .	Tyringham.
6, .	Elizabeth Peterson, .	Mary Elizabeth Oida, .	Pittsfield.
April 8, .	Willard Bainbridge Brown, .	Charles William Ackerson, .	Lee.
June 4, .	Gratia A. Burr, .	Gratia A. Chamberlin, .	Dalton.

June 4, .	Hattie Maria Degothard, .	Hattie Maria Hall, .	West Stockbridge.
July 16, .	Gertrude Horan, .	Gertrude Eaton, .	Pittsfield.
16, .	Evyline Cadwell, .	Evyline Cadwell Shaw, .	West Stockbridge.
16, .	Ellen A. Welch, .	Ellen A. Dwyre, .	Hinsdale.
16, .	Thomas John Francis Welch, .	Thomas Francis O'Conner, .	Dalton.
18, .	Fred Darwin Mosher, .	Fred Darwin Field, .	Adams.
Sept. 8, .	Charles P. Welch, .	Charles P. Ryan, .	Hinsdale.
Nov. 6, .	Charles Henry Schultz, .	George Herman Knapp, .	Pittsfield.

NORFOLK COUNTY.

Mar. 6, .	Sarah Alice Hoyt, .	Grace Lillian Bill, .	Chelsea.
20, .	John Isaac Willett, .	John Lewis Caldwell, .	Hanson.
Apr. 17, .	Mary Dodge, .	Mary Ella Newton, .	Boston.
May 22, .	Marian Chester Flynn, .	Marian Chester Deane, .	Machiasport, Me.
July 17, .	Mary Elizabeth Anderson, .	Marian Lewis Pierce, .	Boston.
Nov. 20, .	William Francis Rourke, .	Frank Long, .	Medfield.

* Names changed by reason of adoption.

BRISTOL COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1878.			
Feb. 8, .	James B. T. Robinson, .	James B. Thomas, .	New Bedford.
Mar. 15, .	Fernando Franklin Hart,	Frank Hart Gifford, .	Dartmouth.
22, .	Anne Sophia Swain, .	Edith Gray Silva, .	New Bedford.
April 5, .	Sarah Elizabeth Harding,	Sarah Elizabeth Burgess Harding,	Somerset.
5, .	Mary A. H. Shepherd, .	Mary A. H. Clark, .	New Bedford.
May 3, .	Annie Bismore, .	Annie Bismore Barrett,	Dartmouth.
8, .	Isabel Swain Bismore, .	Isabel Swain Barrett, .	Dartmouth.
8, .	William Henry Peck, .	James Butler Sanford, .	New Bedford.
17, .	Arthur Herbert Wordell,	Arthur Herbert Hack, .	New Bedford.
24, .	William Goodwin, .	William Goodwin Jenney, .	Foxborough.
24, .	Elle Perett, .	Minnie Kinghorn Crossley, .	Fall River.
July 5, .	Charles Sandford Almy,	Charles Sandford Hemington,	Mattapoisett.
Aug. 2, .	Edmund Baylies, .	Edmund Lincoln Baylies,	Taunton.
Sept. 6, .	Alvin H. Mills, .	Alvin H. Young, .	Westport.
20, .	Lizzie Terry, .	Lizzie Terry Williston, .	New Bedford.
Oct 11, .	Bertha Leavett Jackson,	Bertha Scott Frink, .	Attleborough.
Nov. 7, .	Eliza J. Luskcomb, .	Eliza J. Culver, .	New Bedford.

CHANGE OF NAMES.

477

Dec. 6, .	Mary Ellen Sullivan, .	. . .	Mary Ellen Cavanaugh,	. . .	Fall River.
6, .	Nellie Clifton Gifford, .	. . .	Nellie Clifton Devoll, .	. . .	New Bedford.
17, .	Willie Carlton Sherman,	. . .	Willie Carlton Cook,	. . .	Mansfield.
PLYMOUTH COUNTY.					
Jan. 14, .	Joanna O'Donnell,*	. . .	Isabel Maria Damon, .	. . .	Scituate.
Apr. 15, .	Unknown,*	. . .	Arthur S. Studley, .	. . .	South Scituate.
May 13, .	John F. Callahan,*	. . .	Edgar S. Hills, .	. . .	Scituate.
13, .	Mabel A. Blankenship,*	. . .	Mabel Augusta Curtis, .	. . .	South Scituate.
13, .	Charles E. Glass,*	. . .	Charles E. Soule, .	. . .	Duxbury.
13, .	Jeremiah Sullivan,	. . .	Walter Pierce, .	. . .	Hanover.
Aug. 26, .	Laura A. Walker,*	. . .	Bertha M. Dobson, .	. . .	South Abington.
Sept. 26, .	Mary Shefford,*	. . .	Charlotte Kierstead, .	. . .	Plymouth.
Nov. 11, .	Unknown,*	. . .	Ella Frances Kenerson, .	. . .	Hingham.
25, .	Gertrude B. Gray,*	. . .	Gertrude Borden Otis, .	. . .	South Scituate.
Dec. 9, .	Annie Warren,*	. . .	Annie Warren Bartlett,	. . .	Kingston.
BARNSTABLE COUNTY.					
Aug. 13, .	David Look Hallet,	. . .	Leander Lothrop Hallet,	. . .	Dennis.

* Names changed by reason of adoption.

1880.

[1872, 11.]

- Chap. 5** AN ACT to authorize the New Bedford and Fairhaven Street Railway Company to increase its Capital Stock.

Be it enacted, etc., as follows :

May increase
capital stock.

SECTION 1. The New Bedford and Fairhaven Street Railway Company is hereby authorized to increase its capital stock to an amount not exceeding one hundred thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 9, 1880.

[1850, 26 ; 1876, 26.]

- Chap. 6** AN ACT to enable the Bay State Iron Company to reduce the Par Value of its Capital Stock.

Be it enacted, etc., as follows :

May reduce
par value of
capital stock.

SECTION 1. The Bay State Iron Company is hereby authorized, upon the acceptance of this act by its stockholders at a meeting duly called for the purpose, to reduce the par value of its shares to the sum of one hundred dollars each, and to issue to each of its stockholders ten shares of the par value of one hundred dollars for every share of the present stock of the company of the par value of one thousand dollars now held by him.

SECTION 2. This act shall take effect upon its passage.

Approved February 9, 1880.

- Chap. 9** AN ACT to extend the time for locating and constructing the Boston, Winthrop and Point Shirley Railroad.

Be it enacted, etc., as follows :

Time for
location and
construction
extended.

SECTION 1. The time within which the Boston, Winthrop and Point Shirley Railroad Company may locate and construct its railroad, is hereby extended to the third day of July in the year one thousand eight hundred and eighty-two.

SECTION 2. This act shall take effect upon its passage.

Approved February 11, 1880.

AN ACT to change the Name of the Frederickton Steamboat Company. *Chap. 10**Be it enacted, etc., as follows:*

SECTION 1. The name of the Frederickton Steamboat Company, incorporated in the year eighteen hundred and seventy-nine, is hereby changed to the Merrimac Valley Steamboat Company. Name changed.

SECTION 2. This act shall take effect upon its passage.

Approved February 11, 1880.

[1818, 90.]

AN ACT in Addition to An Act to authorize the Town of Hingham to sell certain Real Estate. *Chap. 11**Be it enacted, etc., as follows:*

SECTION 1. Section two of chapter ninety of the acts of the year eighteen hundred and eighteen, providing for a poor and school fund in the town of Hingham, is hereby repealed. Repeal of
1818, 90, § 2.

SECTION 2. The treasurer of said poor and school fund shall pay over and deliver to the treasurer of said town all money, papers or property in his possession, and the same shall be used and disposed of as said town shall direct. Property and
papers to be
delivered to
town treasurer.

SECTION 3. All moneys received from the sale of lands under said chapter ninety of the acts of the year eighteen hundred and eighteen after the passage of this act, shall be paid into the treasury of said town to be used for town purposes. Proceeds of
sale of lands
to be paid into
town treasury.

Approved February 13, 1880.

AN ACT to authorize the Town of Essex to pay Certain Bounties. *Chap. 12**Be it enacted, etc., as follows:*

SECTION 1. The town of Essex is hereby authorized to raise a sum of money not exceeding twelve hundred and fifty dollars, and pay one hundred and twenty-five dollars each to such soldiers, or, in case of death, to the heirs of such soldiers, as re-enlisted and were credited to the quota of said town under the call made by the President of the United States, on the seventeenth day of October in the year eighteen hundred and sixty-three and subsequent thereto, and who have never received any local bounty for such re-enlistment: *provided*, that said town shall not be reimbursed by the Commonwealth for any money paid under authority of this act. May raise
money to pay
soldiers' bounties.

Towns not to be
reimbursed by
the Common-
wealth.

SECTION 2. This act shall take effect upon its passage.

Approved February 13, 1880.

[1877, 197.]

Chap. 17 AN ACT to authorize the New York and New England Railroad Company to hold Stock in Steamboat Companies.*Be it enacted, etc., as follows :*May hold stock
in steamboat
companies.

SECTION 1. The New York and New England Railroad Company may purchase or subscribe for and hold shares to an amount not exceeding in the aggregate the par value of five hundred thousand dollars in the capital stock of any incorporated company or companies running steamboats or barges in connection with the lines of which the railroad of said New York and New England Railroad Company forms a part: *provided*, said New York and New England Railroad Company at any legal meeting of its stockholders called for that purpose shall elect so to do by a vote of a majority of all the stock of said railroad company which shall have been actually issued at the time of any such meeting.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved February 16, 1880.

[1880, 260.]

Chap. 18

AN ACT to incorporate the Town of Cottage City.

*Be it enacted, etc., as follows :*Town of
Cottage City
incorporated.Territorial
limits.

SECTION 1. All the territory now within the town of Edgartown comprised within the following limits, that is to say, beginning at the middle of the bridge over "Sengekontacket Opening," and running by the centre of "Sengekontacket Pond" and "Major's Cove" to Miober's Bridge (so called), thence due west to the Tisbury town line, thence by said town line between Edgartown and Tisbury to and through the lagoon bridge, thence by Vineyard Haven Harbor and Vineyard Sound to the first mentioned bound (Sengekontacket Bridge), is hereby incorporated into a town by the name of Cottage City; and said town of Cottage City is hereby invested with all the powers, privileges, rights and immunities, and is subject to all the duties and requisitions, to which other towns are entitled and subjected by the constitution and laws of this Commonwealth.

Inhabitants of
Cottage City
to pay arrears
of taxes to town
of Edgartown.

SECTION 2. The inhabitants of said town of Cottage City shall be holden to pay all arrears of taxes which have been legally assessed upon them by the town of Edgartown; and all the taxes heretofore assessed and not col-

lected shall be collected and paid to the treasurer of said town of Edgartown in the same manner as if this act had not been passed; and, until the next general valuation of estates in this Commonwealth, the town of Cottage City shall annually pay to the said town of Edgartown the proportion of any state or county tax which the said town of Edgartown may be required to pay upon the inhabitants or estates hereby set off, said proportion to be ascertained and determined by the last valuation next preceding the passage of this act; and the assessors of Edgartown shall make returns of said valuation, and the proportion thereof, in the towns of Edgartown and Cottage City respectively, to the secretary of the Commonwealth and to the county commissioners of the county of Dukes County.

Valuation.

SECTION 3. Said towns of Edgartown and Cottage City shall be respectively liable for the support of all persons who now do or shall hereafter stand in need of relief as paupers, whose settlement was gained, whether by original acquisition or derivation, within their respective limits; and said town of Cottage City shall pay annually to said town of Edgartown three-fifths of all costs for the support or relief of those persons who now do or shall hereafter stand in need of relief or support as paupers, and who have gained a settlement in said town of Edgartown in consequence of the military services of themselves, or of those through whom they derive their settlement: *provided*, that the person who rendered such military service was not at the time of his enlistment an inhabitant of the said town of Edgartown, as heretofore constituted. The said town of Cottage City shall also pay to the said town of Edgartown, on the first day of January next, towards the support of paupers, the sum of three thousand dollars.

Liability for support of paupers.

Proviso.

SECTION 4. All suits and proceedings at law or in equity, where the cause of action in favor or against the town of Edgartown arose before the passage of this act, shall be instituted, and prosecuted or defended, by said town of Edgartown with the same effect as if this act had not been passed; and the amount recovered in any such suit or proceeding by or against said town of Edgartown shall be received or paid, as the case may be, by the town of Edgartown, and divided between the towns of Edgartown and Cottage City, in the same proportions as the public property and debts of the town of Edgartown are required to be by this act.

Suits and proceedings at law or in equity.

Division of corporate property.

Award of commissioners.

Election districts.

SECTION 5. The corporate property belonging to said town of Edgartown at the date of the passage of this act, except as hereinafter provided, and the public debt existing at said date, shall be divided between the towns of Edgartown and Cottage City according to the valuation of property within their respective limits as assessed May first, eighteen hundred and seventy-nine. Said towns of Edgartown and Cottage City shall each retain and hold all the real property, public buildings and personal property used in connection therewith now in their respective limits. In case said towns of Edgartown and Cottage City shall not agree in respect to a division of debts, unpaid taxes, state or county taxes, or support of paupers, the superior court for the county of Bristol shall, upon petition of either town, appoint three commissioners, neither of whom shall be a resident of the county of Dukes County; and said petition may be filed and appointments made in vacation to hear the parties and determine the matters of difference; and their award, or the award of any two of them, being accepted by said court, shall be final; and said court shall have jurisdiction to render judgment, or make any order or decree upon said award, to issue execution, or any other proper process, to enforce such judgment, decree or order. But the award shall not be set aside, unless for fraud or manifest error; in which case the court may recommit the award, or appoint other commissioners, with the same powers and duties as the first, of whose proceedings the court shall have the same jurisdiction as herein before provided. In making said award, the commissioners shall assign the corporate property belonging to the said town of Edgartown at the time of the passage of this act to the town within which said corporate property shall be situate or belong, so far as such division may be practicable; and said commissioners may, if they deem it necessary, award a gross sum to the town of Cottage City, in order to make their division of corporate property just and equitable.

SECTION 6. The town of Cottage City shall, until otherwise provided by law, continue to be a part of the first congressional district, of the first councillor district, of the Cape senatorial district, and the first representative district of Dukes County; and the inhabitants of said town of Cottage City shall vote for each of said officers in the town of Cottage City. The selectmen and clerk in

said town of Cottage City, in each of said cases, shall make returns as if said town had existed at the time of the formation of said districts.

SECTION 7. Any justice of the peace within and for the county of Dukes County, whose residence is in the town of Cottage City, may issue his warrant, directed to any inhabitant of said town of Cottage City, requiring him to notify and warn the inhabitants thereof, qualified to vote in town affairs, to meet at the time and place therein appointed, for the purpose of choosing all such officers as towns are by law authorized and required to choose at their annual meetings; and said warrant shall be served by posting up copies thereof, attested by the person to whom the same is directed, in three or more public places in said town of Cottage City, seven days, at least, before such time of meeting. Such justice, or, in his absence, such inhabitant required to notify the meeting, shall preside, until the choice of moderator, in said town meeting. The selectmen of said town of Edgartown shall, before said meeting, prepare a list of voters in said town of Cottage City qualified to vote at said meeting, and shall deliver the same to the person presiding at such meeting before the choice of moderator thereof.

First meeting
for election of
town officers.

SECTION 8. The said town of Cottage City shall bear the expense of making the necessary surveys and establishing the lines between the said towns of Edgartown and Cottage City.

Cottage City
to pay for
establishing
town lines.

SECTION 9. Said town of Cottage City shall receive from the said town of Edgartown a proportionate part of whatever amount may hereafter be refunded to said town of Edgartown from the state or United States, to reimburse it for bounties to soldiers, or state aid heretofore paid to soldiers' families, after deducting all reasonable expenses.

Reimbursement
for bounties to
soldiers.

SECTION 10. All rights heretofore secured to existing corporations upon the territory hereby incorporated shall continue as though this act had not been passed.

Rights secured
to existing
corporations.

SECTION 11. This act shall take effect upon its passage.

Approved February 17, 1880.

[1812, 21 ; 1863, 185 ; 1866, 185.]

Chap. 23 AN ACT to enable the American Board of Commissioners for Foreign Missions to hold Additional Real and Personal Estate.*Be it enacted, etc., as follows :*

May hold additional real and personal estate.

SECTION 1. The American Board of Commissioners for Foreign Missions is hereby authorized to take and hold in fee simple or otherwise, lands, tenements or hereditaments, by gift, grant or otherwise, for the purposes for which they were incorporated, not exceeding one million dollars; and may also take and hold by donation, bequest or otherwise, personal estate to an amount not exceeding two million dollars, any thing in its act of incorporation or in subsequent acts amending the same to the contrary notwithstanding.

SECTION 2. This act shall take effect upon its passage.

Approved February 18, 1880.

[1852, 57 ; 1853, 92 ; 1859, 53 ; 1866, 20.]

Chap. 24 AN ACT to revive the American Linen Manufacturing Company for Certain Purposes, and to confirm the Organization of the American Linen Company.*Be it enacted, etc., as follows :*

Corporation revived for conveyance of real and personal estate.

SECTION 1. The corporation heretofore known as the American Linen Manufacturing Company and located in Fall River is hereby revived and continued for the purpose of enabling said company to convey, transfer or release to the American Linen Company or its assigns, any real or personal estate of which the said American Linen Manufacturing Company was seized and possessed at the time when the act under which it was authorized was repealed and for no other purpose whatsoever.

Organization confirmed.

SECTION 2. The organization of the American Linen Company and all acts subsequent thereto in confirmation thereof, and all other acts dependent thereon, are hereby ratified, confirmed and made valid.

Meeting of stockholders.

SECTION 3. The president of the American Linen Manufacturing Company, or in case of his refusal or inability to act, any person who was a stockholder of said company at the date of the dissolution of said company, is hereby authorized to call a meeting of the stockholders of said American Linen Manufacturing Company; and said company may convey said real and personal estate to said American Linen Company by deed executed in the

name and under the seal of the said American Linen Manufacturing Company.

SECTION 4. This act shall take effect upon its passage.

Approved February 18, 1880.

[1879, 99.]

AN ACT to authorize the Extension of the Railroad of the New Haven and Northampton Company under the General Railroad Laws. *Chap. 26*

Be it enacted, etc., as follows :

SECTION 1. The New Haven and Northampton Company is hereby authorized to extend its railroad from a point in its present tract near King street in the town of Northampton, through a part of said town, and the towns of Hatfield, Whately, Deerfield and Conway, so as to connect and intersect with the Troy and Greenfield Railroad at a point near the westerly end of Bardwell's bridge over the Deerfield river, also from a point in the village of South Deerfield, through the towns of Deerfield and Montague, to the Gill bridge in the village of Turner's Falls: *provided*, that the extensions authorized by this act shall be located and constructed in conformity with the provisions of the general railroad law of one thousand eight hundred and seventy-four, and acts in amendment thereof; and *provided, further*, that the extensions herein authorized shall not cross any existing railroads, on a grade level therewith, and that all necessary structures for crossing under the grade thereof shall be subject to the approval of the railroad commissioners and shall be constructed at the expense of the New Haven and Northampton Company.

May extend railroad.

Location and construction under general railroad law.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved February 19, 1880.

[1881, 49.]

AN ACT to incorporate the Wannacomet Water Company.

Chap. 27

Be it enacted, etc., as follows :

SECTION 1. Moses Joy, junior, William F. Codd, John A. Hussey, Frederick Stone and Darwin A. Greene, their associates and successors, are hereby made a corporation by the name of the Wannacomet Water Company, for the purpose of furnishing the inhabitants of Nantucket with pure water; with the powers and privileges, and subject to the duties, restrictions and liabilities set forth

Corporators.

Name and purpose.

in the general laws which now are or may hereafter be in force regulating such corporations.

May take the waters of Wannacomet Pond.

May take land by purchase or otherwise.

To file in the registry of deeds a description of the land taken.

May construct aqueducts, and erect dams and reservoirs.

May establish water rates.

SECTION 2. Said corporation for the purpose aforesaid may take and hold the waters of the pond formerly known as the "Western Washing Pond," and now known as the Wannacomet Pond, together with so much as may be necessary for the purpose, of any springs, ponds, or natural brooks within the limits of said town; and may convey the same through the town of Nantucket or any part thereof; and may take and hold by purchase or otherwise, such land on or around the margin of said ponds or brooks, not exceeding five rods in width, as may be necessary to secure the purity of the water; and may also take and hold in like manner, such land as may be necessary for constructing any reservoir, for erecting and maintaining dams, embankments and gate houses, and for laying down and maintaining conduits, pipes and drains, and erecting engines and pumps, constructing aqueducts, hydrants and other works for collecting, conducting and distributing water among the said inhabitants. Said corporation shall, within ninety days after taking such lands, file in the registry of deeds in the county of Nantucket a description of the lands so taken, sufficiently accurate for identification, together with a statement of the purposes for which said lands are taken, signed by the president of said corporation.

SECTION 3. Said corporation may construct one or more permanent aqueducts from any of the sources before mentioned, into and through said town of Nantucket, and have and maintain the same by any works suitable therefor; may erect and maintain dams to raise and retain the waters therein; may make and maintain reservoirs; may make and establish public fountains and hydrants in such places as it may from time to time deem proper, and prescribe the purposes for which they may be used, and may change and discontinue the same; and may make such contracts with the town of Nantucket or with individuals to supply water for fire and other purposes as may be agreed upon by said town or individuals and said corporation; may distribute the water throughout the town of Nantucket; may regulate the use and establish the price or rent therefor; may, for the purposes aforesaid, convey and conduct its conduit pipes and drains over or under any water-course, street, turnpike road, railroad, highway

or other way, in such manner as to cause the least possible hindrance to the travel thereon, and may for such purpose enter upon and dig up any such road, street or other way, under the direction of the selectmen of the town of Nantucket.

May dig up roads under direction of selectmen.

SECTION 4. Any person or corporation injured in property under this act, and failing to agree with said corporation as to the amount of damages, may have them assessed in the manner provided by law with respect to land taken for highways; but no application shall be made to the county commissioners for the assessment of damages for the taking of water rights, until the water is actually taken or diverted by said corporation. Any person whose water rights are thus taken may so apply at any time within two years from the time when the water is actually taken or diverted.

Assessment of damages.

Application for damages, to be made within two years.

SECTION 5. Said corporation for the purposes aforesaid may hold real estate not exceeding fifteen thousand dollars, and its capital stock shall not exceed thirty thousand dollars to be divided into shares of twenty-five dollars each.

Real estate.

Capital stock and shares.

SECTION 6. If any person shall use any of said water taken under this act without the consent of said corporation, or shall wantonly or maliciously divert the water or any part thereof so taken, or corrupt the same, or render it impure, or destroy or injure any dam, aqueduct, pipe, conduit, hydrant, machinery or other works, or property held, owned, or used by said corporation under the authority of and for the purposes of this act, he shall forfeit and pay to said corporation three times the amount of damages assessed therefor, to be recovered in an action of tort; and on conviction of either of the wanton or malicious acts aforesaid may be punished by a fine not exceeding three hundred dollars, or by imprisonment in jail not exceeding one year.

Penalty for diverting water or rendering it impure.

SECTION 7. Said corporation may purchase from the owner or owners of any aqueduct now used in furnishing water to the inhabitants of said town of Nantucket, his or their whole water right, estate, property and privileges, and by such purchase shall become entitled to all the rights and privileges and subject to all the liabilities and duties appertaining and belonging to such owner or owners.

May purchase aqueduct now in use.

SECTION 8. The Wannacomet Water Company may issue bonds and secure the same by a mortgage on its

May issue bonds.

works, structures, equipments, franchise and other property, real or personal, to an amount which shall not exceed the capital stock of said company actually paid in and applied to the construction or completion of said Wannacomet Water Company's works.

SECTION 9. This act shall take effect upon its passage.

Approved February 19, 1880.

Chap. 30 AN ACT relating to the Board of Water Commissioners of the City of Springfield.

[Rejected March 22, 1880.]

Chap. 31 AN ACT to confirm and establish the Name of the Old South Parish of Reading.

Be it enacted, etc., as follows :

Name established.

SECTION 1. The parish in Reading heretofore known at various times as the Third Congregational Society, or West Parish of Reading; as the Second Congregational Society, or Second Parish; as the South Parish, and now as the Old South Parish of Reading, shall hereafter be known as the "Old South Parish of Reading."

SECTION 2. This act shall take effect upon its passage.

Approved February 20, 1880.

Chap. 36 AN ACT to change the Name of the "Clark W. Bryan Company."

Be it enacted, etc., as follows :

Name changed.

SECTION 1. The "Clark W. Bryan Company," a corporation established in Springfield under the general laws, shall be known as the "Springfield Printing Company," on and after the first day of April eighteen hundred and eighty.

SECTION 2. This act shall take effect upon its passage.

Approved February 26, 1880.

Chap. 41 AN ACT to authorize the Town of Wilbraham to take Certain Land for Schoolhouse Purposes.

Be it enacted, etc., as follows :

May take land for schoolhouse purposes.

The town of Wilbraham and its selectmen shall have the same right to designate, select and use for a school-house lot, a portion of the open land called the "Green," on the easterly side of the main street in the central village of said town, as if the public had no rights or easements therein.

Approved February 27, 1880.

[1875, 76.]

AN ACT to enable the Wollaston Wharf and Dock Company to hold Additional Real Estate in Quincy. *Chap. 42*

Be it enacted, etc., as follows:

SECTION 1. The Wollaston Wharf and Dock Company, a corporation chartered by chapter seventy-six of the acts of the year eighteen hundred and seventy-five, is hereby empowered to purchase and hold, in fee simple or otherwise, and for the purposes in said charter expressed, two hundred acres of land in the town of Quincy in addition to the land which by said charter said corporation is now authorized to purchase and hold. May hold additional real estate.

SECTION 2. This act shall take effect upon its passage.

Approved February 27, 1880.

[1861, 22; 1864, 26.]

AN ACT to extend the Charter of the Real Estate and Building Company. *Chap. 43*

Be it enacted, etc., as follows:

SECTION 1. The Real Estate and Building Company shall be and remain a corporation for a further term of five years after the expiration of its present charter, and shall, during said further term, have the powers and privileges, and be subject to the duties, liabilities and restrictions, set forth in its charter and in the general laws which are or may be in force relating to such corporations. Charter extended.

SECTION 2. This act shall take effect upon its passage.

Approved February 27, 1880.

[1847, 42; 1850, 118.]

AN ACT to authorize the American Unitarian Association to transfer the Fay Fund to the Society for the Relief of Aged and Destitute Clergymen. *Chap. 44*

Be it enacted, etc., as follows:

The American Unitarian Association is authorized to transfer to the Society for the Relief of Aged and Destitute Clergymen, and said society is authorized to receive, the funds known as the Fay fund, now held by said association under the will of Hannah Maria Fay late of Framingham, deceased, said will having been probated at Cambridge, March twentieth, eighteen hundred and seventy-seven, and the said society is to assume and discharge the trusts arising thereunder. The Fay fund may be transferred to the Society for the Relief of Aged and Destitute Clergymen.

Approved February 27, 1880.

Chap. 45 AN ACT to change the Name of the National Button Company of Easthampton.*Be it enacted, etc., as follows:*

Name changed to "Williston and Knight Co."

SECTION 1. The name of the "National Button Company" of Easthampton, a corporation organized under the general laws of the Commonwealth, is hereby changed to the "Williston and Knight Company."

SECTION 2. This act shall take effect upon its passage.

*Approved February 27, 1880.***Chap. 46** AN ACT to authorize the Proprietors of the Boston Athenæum to hold Additional Property.*Be it enacted, etc., as follows:*

May hold additional real and personal estate.

The proprietors of the Boston Athenæum and their successors, in addition to works or objects of literature, science and the arts, and to the property which they are now allowed by law to hold for income, may take, hold and convey, for the purpose of income, real and personal property not exceeding seven hundred thousand dollars in value, the income thereof to be applied to the purposes specified in their act of incorporation.

*Approved March 2, 1880.***Chap. 47** AN ACT relating to the Construction of a Road and Bridges over Dean's River and Hog Island River.*Be it enacted, etc., as follows:*

Bridge across Dean's and Hog Island Rivers in Essex.

SECTION 1. L. G. Burnham, Rufus Choate and N. C. Marshall, are hereby authorized to construct a road and bridges across Dean's River and Hog Island River in the town of Essex, upon plans to be approved by the harbor commissioners.

SECTION 2. This act shall take effect upon its passage.

*Approved March 2, 1880.***Chap. 48** AN ACT authorizing the Superior Court to hold Sessions by Adjournment at Bridgewater in the County of Plymouth.*Be it enacted, etc., as follows:*

Terms of superior court may be adjourned from Plymouth to Bridgewater.

SECTION 1. The justices holding the respective terms of the superior court in and for the county of Plymouth shall have the same power to adjourn any of the established terms of said court for said county from Plymouth to Bridgewater as they now have to adjourn from one shire town to another; any adjournment so made shall have the

same effect as if made from one shire town to another, and shall be subject to all the provisions of law relating to adjournments from one shire town to another. The county commissioners of said county are hereby authorized and directed to provide a suitable place at Bridgewater for holding said adjourned terms: *provided*, that nothing herein contained shall be so construed as to authorize the erection or purchase of any building by said commissioners.

Suitable place to be provided for holding terms at Bridgewater.

SECTION 2. This act shall take effect upon its passage.

Approved March 4, 1880.

[Special Laws, vol. 1, p. 61.]

AN ACT in Addition to the Act incorporating the Boston Episcopal Charitable Society.

Chap. 49

Be it enacted, etc., as follows:

SECTION 1. The Boston Episcopal Charitable Society, incorporated on the twelfth day of February in the year seventeen hundred and eighty-four, is authorized and empowered to hold real and personal property to the amount of one hundred and fifty thousand dollars in addition to the amount which it is now authorized to hold for the charitable purposes mentioned in said act of incorporation.

May hold additional real and personal estate.

SECTION 2. This act shall take effect upon its passage.

Approved March 4, 1880.

[1829, 3.]

AN ACT to amend "An Act to establish a Fire Department in the Town of Marblehead."

Chap. 50

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter three of the acts of the year eighteen hundred and twenty-nine is hereby amended, so that the number of fire wards provided to be chosen by the inhabitants of the town of Marblehead at their annual meeting in March or April shall be "five" instead of "nine."

Five fire wards to be elected in Marblehead.

SECTION 2. This act shall take effect upon its passage.

Approved March 4, 1880.

[1854, 365.]

AN ACT to amend Chapter Three Hundred and Sixty-five of the Acts of the Year Eighteen Hundred and Fifty-four, entitled "An Act to incorporate the Trustees of the Severy School Fund in Gardner."

Chap. 51

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter three hundred and sixty-five of the acts of the year one thousand eight hun-

Severy school fund in Gardner.

dred and fifty-four is hereby amended by striking out in the first line thereof the words "inhabitants of school district number two," and inserting in place thereof the words "legal voters;" also by striking out in the eighth line of the same section the word "inhabitants," and inserting in place thereof the words "legal voters."

SECTION 2. This act shall take effect upon its passage.

Approved March 4, 1880.

[1868, 80; 1869, 389; 1872, 132; 1877, 43.]

Chap. 52 AN ACT to authorize the Selectmen of West Springfield to repair, protect and maintain the Dam and Channel of Agawam River.

Be it enacted, etc., as follows:

Powers of county commissioners transferred to selectmen of West Springfield.

SECTION 1. The powers vested in the county commissioners of the county of Hampden by section eight, chapter one hundred and thirty-two of the acts of the year eighteen hundred and seventy-two, are hereby given to the selectmen of the town of West Springfield, for the purpose of repairing, protecting and maintaining the dam and channel mentioned in said act; the expense of such repairs, protection and maintenance to be borne and paid by the town of West Springfield.

SECTION 2. This act shall take effect upon its passage.

Approved March 4, 1880.

[Special Laws, vol. 2, p. 227.]

Chap. 53 AN ACT relating to the Trustees of Milton Academy.

Be it enacted, etc., as follows:

Trustees to hold office for three years.

SECTION 1. The trustees of Milton Academy who may be hereafter elected shall hold office for a limited term of three years, and until their successors are chosen. But they shall at all times be eligible for re-election.

May hold real and personal estate.

SECTION 2. Said trustees are hereby authorized to receive and hold, for the purposes and objects expressed in their charter, real and personal estate to the same amount as other associations entered into for any educational purpose are authorized to hold real and personal estate under chapter three hundred and seventy-five of the acts of the year eighteen hundred and seventy-four.

SECTION 3. This act shall take effect when accepted by said trustees of Milton Academy.

Approved March 5, 1880.

AN ACT to incorporate the Trustees of the Chapter of the Alpha *Chap. 54*
Delta Phi Fraternity in Williams College.

Be it enacted, etc., as follows :

SECTION 1. William G. Harding, George F. Mills, William H. Swift, their associates and successors, are made a corporation under the name of the "Trustees of the chapter of the Alpha Delta Phi Fraternity in Williams College," for the purpose of holding and managing the real estate and personal property of the said chapter, with the powers and privileges and subject to the duties, liabilities and restrictions set forth in the general laws which now are or may hereafter be in force relating to such corporations.

Corporators.

Name and purpose.

Powers and duties.

SECTION 2. The said corporation may receive, purchase, hold and convey real and personal property for the uses of the above named society: *provided*, that the value of the real estate so held at any time shall not exceed fifty thousand dollars, and said property shall not be exempt from taxation.

Real estate not to exceed \$50,000.

SECTION 3. This act shall take effect upon its passage.

Approved March 5, 1880.

[Sp. Laws, vol. 7. Appendix, p. 827 ; 1807, 22 ; 1813, 125 ; 1823, 50 ; 1867, 17.]

AN ACT to authorize the Trustees of Phillips Academy in Andover to hold Additional Real and Personal Estate. *Chap. 55*

Be it enacted, etc., as follows :

SECTION 1. The trustees of Phillips Academy are hereby authorized to receive, purchase and hold, by gift, grant, devise, bequest or otherwise, for the further endowment of either or both departments of the said institution and in furtherance of the design of the founders and benefactors of said academy, real estate to an amount not exceeding five hundred thousand dollars, and personal estate to an amount not exceeding one million dollars: *provided*, the income of said estate shall always be applied to the objects and purposes of the said institution and agreeably to the will of the donors.

Real estate not to exceed \$500,000.
Personal estate not to exceed \$1,000,000.

SECTION 2. This act shall take effect upon its passage.

Approved March 5, 1880.

[1873, 196 ; 1875, 97 ; 1876, 64 ; 1877, 81 ; 1878, 64.]

- Chap. 56** AN ACT to extend the Time during which the City of Worcester is authorized to buy and hold Certain Land for a Public Park and Reservoir.

Be it enacted, etc., as follows :

Time extended
for buying land
for a public
park, etc.

The city of Worcester by its city council at any time within two years from the fifteenth day of April in the year eighteen hundred and eighty may buy and hold for the purposes named in chapter one hundred and ninety-six of the acts of the year eighteen hundred and seventy-three the land therein described. *Approved March, 5, 1880.*

[1876, 128.]

- Chap. 57** AN ACT to authorize the Fitchburg Railroad Company to build a Bridge over a Portion of Miller's River.

Be it enacted, etc., as follows :

May build
bridge over por-
tion of Miller's
River, subject to
approval of har-
bor and land
commissioners.

SECTION 1. The Fitchburg Railroad Company is hereby authorized to build a bridge over a portion of Miller's River in the city of Boston to connect the land recently purchased by said company in Boston and Somerville, for additional terminal facilities, with the highway at the north-westerly side of the Prison Point bridge ; the plan and location of said bridge shall be subject to the approval and direction of the board of harbor and land commissioners.

SECTION 2. This act shall take effect upon its passage.

Approved March 5, 1880.

[1880, 100 ; 1881, 168.]

[1852, 73 ; 1868, 267.]

- Chap. 58** AN ACT to authorize the Boston Young Men's Christian Association to hold Additional Real and Personal Estate.

Be it enacted, etc., as follows :

Real and per-
sonal estate not
to exceed
\$500,000.

The Boston Young Men's Christian Association is hereby authorized to hold real and personal estate to an amount not exceeding in all, five hundred thousand dollars.

Approved March 5, 1880.

- Chap. 61** AN ACT to regulate fishing in Certain Waters by Fish Pounds and other fixed Apparatus.

Be it enacted, etc., as follows :

Fisheries regu-
lated in certain
waters in coun-

SECTION 1. From the first day of May to the fifteenth day of June in each year no person shall set, or permit to

remain set, any fish pound, weir, trap, fyke or other similar fixed apparatus for catching fish, except gill nets, between the hours of six o'clock on Saturday morning and six o'clock on the succeeding Sunday evening, so as to catch any fish, in the tidal waters of the county of Dukes County and of the county of Bristol and of the towns of Mattapoisett, Marion and Wareham in the county of Plymouth, and in the tidal waters on the westerly boundaries of the towns of Sandwich and Falmouth at and near Buzzard's Bay, and on that portion of the southerly boundary of the county of Barnstable extending from the south-westerly corner of the town of Falmouth easterly to Point Gammon in the town of Yarmouth.

ties of Dukes County, Bristol, Plymouth and Barnstable.

SECTION 2. Whoever by himself or by his servants or agents, or as the servant or agent of another, violates any of the provisions of this act, shall be punished by a fine of not more than two hundred dollars nor less than one hundred dollars.

Penalties.

SECTION 3. One-half of the penalty paid on conviction shall be for the use of the person commencing the prosecution whether by complaint or indictment.

One-half of penalty for use of prosecutor.

SECTION 4. All prosecutions under this act shall be commenced within three months after the offence committed and not afterwards.

Prosecutions to be commenced within three months.

SECTION 5. The provisions of this act shall not be construed so as to permit fishing with such fixed apparatus where it is now forbidden by law. *Approved March 5, 1880.*

Fishing not permitted where now forbidden by law.

AN ACT to provide for the Eligibility of Persons not Inhabitants of this Commonwealth as Overseers of Harvard College.

Chap. 65

Be it enacted, etc., as follows:

SECTION 1. Persons not inhabitants of this Commonwealth and otherwise qualified shall be eligible as overseers of Harvard College.

Persons not inhabitants, eligible.

SECTION 2. This act shall take effect on its acceptance by the President and Fellows and by the Board of Overseers of Harvard College respectively, at meetings held for that purpose.

To take effect upon acceptance.

Approved March 5, 1880.

[Accepted June 2, 1880.]

AN ACT in Relation to Names of Public Ways in the City of Boston.

Chap. 67

Be it enacted, etc., as follows:

SECTION 1. From and after the date of the passage of this act no name shall be newly assigned to any public

Names of streets and ways not to be duplicated.

way in the city of Boston by which any other public way is already called, whether under the title of street, avenue, court, place, alley, or other descriptive title; but any way not affording continuous passage for teams between two other ways may be termed a court or place, and receive the name of any way with which it communicates. And any extension or continuation of a public way may be called by the same name.

Street commis-
sioners to fix
names of streets
hereafter laid
out.

SECTION 2. The names of all public ways hereafter laid out by the board of street commissioners of the city of Boston shall be fixed by a vote of said board. Such vote shall take effect upon such laying out, shall be published in such manner as said board shall direct, and shall be certified by the clerk of said board to the register of deeds for the county of Suffolk. The names of all public ways not already fixed, and changes in the names of ways, may be made by the same authority, confirmed by the board of aldermen of said city, and not otherwise. Such changes shall take effect on the first day of March of each year, shall be published in such manner as the board of aldermen shall direct, and shall be certified by the city clerk to the register of deeds for the county of Suffolk.

Repeal.
1868, 199.

SECTION 3. Chapter one hundred and ninety-nine of the laws of eighteen hundred and sixty-eight is hereby repealed.

SECTION 4. This act shall take effect upon its passage.

Approved March 8, 1880.

[1850, 211.]

Chap. 69 AN ACT to change the Name of the "Ladies' American Home Education Society and Temperance Union."

Be it enacted, etc., as follows:

Name changed
to "Nickerson
Home for Chil-
dren."

SECTION 1. The "Ladies' American Home Education Society and Temperance Union," a corporation established in Boston under the provisions of chapter two hundred and eleven of the acts of the year eighteen hundred and fifty, shall be known as the "Nickerson Home for Children," on and after the first day of April eighteen hundred and eighty.

SECTION 2. This act shall take effect upon its passage.

Approved March 11, 1880.

[1873, 20 ; 1874, 159 ; 1875, 183 ; 1877, 239 ; 1879, 140.]

AN ACT to confirm a Mortgage executed by the Boston, Clinton, Fitchburg and New Bedford Railroad Company. *Chap. 70*

Be it enacted, etc., as follows :

SECTION 1. The indenture dated the first day of January in the year eighteen hundred and eighty, whereby the Boston, Clinton, Fitchburg and New Bedford Railroad Company conveyed its railroad and other property in trust and mortgage to the New England Trust Company to secure certain bonds, is hereby ratified and confirmed.

Indenture ratified and confirmed.

SECTION 2. The provisions of law relating to recording mortgages of personal property shall be deemed to have been complied with if the said indenture is recorded within sixty days from the passage of this act in accordance with the provisions of section one of chapter one hundred and fifty-one of the General Statutes.

To be recorded within sixty days.

SECTION 3. This act shall take effect upon its passage.

Approved March 11, 1880.

[1881, 170.]

AN ACT to confirm the Organization and Proceedings of the Braintree Cemetery Association. *Chap. 71*

Be it enacted, etc., as follows :

SECTION 1. The acts and proceedings of Alva Morrison, Atherton T. Wild, Nathaniel H. Hunt, Joseph Dyer, junior, Francis A. Hobart and their associates in organizing the Braintree Cemetery Association, and the subsequent proceedings of the above named persons, their associates and successors under said organization, are hereby ratified and confirmed; and the Braintree Cemetery Association is hereby established as an existing corporation, with all the powers, rights and privileges, and subject to all the duties, limitations and restrictions conferred by general laws upon such corporations.

Organization and proceedings confirmed.

Powers and duties.

SECTION 2. This act shall take effect upon its passage.

Approved March 11, 1880.

[1833, 197 ; 1837, 211 ; 1846, 166 ; 1855, 330 ; 1863, 135.]

AN ACT authorizing the Winnisimmet Company to hold Certain Real Estate. *Chap. 72*

Be it enacted, etc., as follows :

The deed from Edwin Tufts to the Winnisimmet Company dated the tenth day of July in the year eighteen

Deed from Edwin Tufts confirmed.

hundred and seventy-seven and recorded in the registry of deeds for the county of Suffolk, book thirteen hundred and eighty-one, page three hundred and twelve, is hereby made of the same effect as if said company was empowered at the time of the execution of said deed to take by conveyance the real estate described therein. And said company may hold the real estate conveyed to it by said deed.

Approved March 11, 1880.

Chap. 73

AN ACT to incorporate the Southbridge Water Supply Company.

Be it enacted, etc., as follows :

**Water supply
for Southbridge.**

SECTION 1. Francis L. Chapin, Andrew J. Bartholomew, Chester A. Dresser, William Edwards, George W. Wells, George A. Dresser, Daniel Whitford and George S. Stone, their associates and successors, are hereby made a corporation by the name of the Southbridge Water Supply Company, for the purpose of furnishing the inhabitants of Southbridge with pure water for the extinguishment of fires, domestic and other purposes; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force applicable to such corporations.

**Powers and
duties.**

**May take water
from Glover
Brook.**

SECTION 2. Said corporation may take, hold and convey into and through the town of Southbridge or any part thereof, the water in what is known as the Glover Brook passing through the centre village, and may take and hold by purchase or otherwise any real estate necessary for the preservation and purity of the same, or for forming any dams or reservoirs to hold the same, and for laying and maintaining aqueducts and pipes for distributing the waters so taken and held; and may lay its water pipes through any private lands, with the right to enter upon the same and dig therein for the purpose of making all necessary repairs; and for the purposes aforesaid may carry its pipes under or over any water-course, street, railroad, highway or other way, in such manner as not to obstruct the same; and may, under the direction of the board of selectmen, enter upon and dig up any road or other way for the purpose of laying or repairing its aqueducts, pipes or other works; and in general may do any other acts and things convenient or proper for carrying out the purposes of this act.

**May lay pipes
through private
lands.**

**May enter upon
and dig up
roads.**

To file in the

SECTION 3. Said corporation shall, within sixty days

after the taking of any land under the provisions of this act, file in the registry of deeds of the county of Worcester a description of any land so taken, sufficiently accurate for identification, and state the purposes for which it is so taken; and the title of land so taken shall vest in said corporation. Any person injured in any way by any acts of said corporation, and failing to agree with said corporation as to the amount of damages, may have the same assessed and determined in the manner provided when land is taken for highways.

registry of
deeds, a descrip-
tion of the land
taken.

SECTION 4. Said corporation may distribute the water through said Southbridge; may establish and fix from time to time the rates for the use of said water, and collect the same; and may make such contracts with the town of Southbridge or any fire district that may be hereafter established, or with individuals, to supply water for fire or for other purposes, as may be agreed upon by said town, or such fire district or individuals and said corporation.

May fix rates for
use of water.

SECTION 5. Said corporation for the purposes set forth in this act may hold real and personal estate not exceeding in amount thirty thousand dollars in value; and the whole capital stock shall not exceed forty thousand dollars to be divided into shares of fifty dollars each.

Real and per-
sonal estate
not to exceed
\$30,000.

Capital stock
and shares.

SECTION 6. If any person shall use any of said water taken under this act without the consent of said corporation, or shall wantonly or maliciously divert the water or any part thereof so taken, or corrupt the same, or render it impure, or destroy or injure any dam, aqueduct, pipe, conduit, hydrant, machinery or other works, or property, held, owned or used by said corporation, under the authority of and for the purposes of this act, he shall forfeit and pay to said corporation three times the amount assessed therefor, to be recovered in an action of tort; and on conviction of either of the wanton or malicious acts aforesaid may be punished by a fine not exceeding three hundred dollars or by imprisonment in jail not exceeding one year.

Penalty for
diverting water
or rendering it
impure.

SECTION 7. The town of Southbridge and any fire district that may be established, shall have the right at any time during the continuance of the charter hereby granted, to purchase the corporate property and all the rights and privileges of said company at the actual cost of the same, or if mutually agreed upon between said corporation and said town or any fire district which may be hereafter established in said town, at a less price; and said corporation is

Town of South-
bridge and any
fire district may
purchase prop-
erty at cost.



hereby authorized to make sale of the same to said town or such fire district; but such authority to purchase said franchise and property is granted to said town upon the condition that the same is assented to by said town by a two-thirds vote of the voters present and voting thereon at any annual meeting or at a legal meeting called to act on that subject.

SECTION 8. This act shall take effect upon its passage.

Approved March 11, 1880.

[1875, 217; 1877, 70; 1878, 140.]

Chap. 74 AN ACT in Addition to An Act to supply the City of Taunton with Pure Water.

Be it enacted, etc., as follows:

Water supply
for city of
Taunton.

Taunton Water
Loan.

Proviso.

City of Taunton
may take land
in Taunton and
Raynham.

SECTION 1. The city of Taunton for the purposes mentioned in the fifth section of chapter two hundred and seventeen of the acts of the year one thousand eight hundred and seventy-five, and for defraying all costs and expenses which may be incurred under the provisions of this act additional thereto, may issue notes, scrip, bonds, or certificates of debt to be denominated on the face thereof "Taunton Water Loan," to an amount not exceeding one hundred thousand dollars in addition to the amounts authorized by said chapter and chapter seventy of the acts of the year eighteen hundred and seventy-seven, to be issued upon like terms and conditions and with like powers in all respects as are provided in said chapter two hundred and seventeen for the issue of bonds of said city: *provided*, that the whole amount of such water scrip, notes, bonds, or certificates of debt, issued by said city under the authority given by this act and the other acts above mentioned, shall not in any event exceed the amount of three hundred and fifty thousand dollars.

SECTION 2. The city of Taunton may take and hold by purchase or otherwise such lands as it may deem necessary, adjoining the Taunton Great River within the limits of the city of Taunton or town of Raynham, in addition to the land already taken and held by said city under the provisions of chapter two hundred and seventeen of the acts of the year one thousand eight hundred and seventy-five, for the purpose of extending and increasing the supply of pure water, and for laying, maintaining and constructing the conduits, pipes, reservoirs and other works for holding, collecting, filtering, purifying, conducting and

distributing the waters of said river or such waters as may be drawn from the land taken under this and said previous acts.

SECTION 3. Said city of Taunton shall, within sixty days from the time of taking of any land as herein provided, file in the registry of deeds in which by existing laws a deed of the same is required to be recorded, a description of the land so taken sufficiently accurate for identification, and shall state therein the purposes for which it is taken, and the title of all land so taken shall vest in said city. Any person injured in his property under this act and failing to agree with said city as to the amount of damages may have the same assessed and determined in the same manner as is provided where land is taken for highways.

To file in the registry of deeds, a description of the land taken.

SECTION 4. This act shall take effect upon its passage.

Approved March 11, 1880.

[1873, 344 ; 1874, 125 ; 1876, 35, 54.]

AN ACT to authorize the City of Newton to issue Additional Water Scrip.

Chap. 75

Be it enacted, etc., as follows :

SECTION 1. The city of Newton, in addition to the amount of water scrip authorized by chapter three hundred forty-four of the acts of the year eighteen hundred and seventy-two, and by section thirty of chapter three hundred and twenty-six of the acts of the year eighteen hundred and seventy-three, and by chapter thirty-five of the acts of the year eighteen hundred and seventy-six, may issue a further amount thereof, not exceeding the sum of one hundred thousand dollars, in accordance with the provision of the act first herein referred to and for the purposes named therein.

City of Newton may issue additional water scrip.

SECTION 2. This act shall take effect upon its passage.

Approved March 11, 1880.

[1881, 129.]



[1872, 337 ; 1875, 84.]

AN ACT to authorize the Town of Waltham to raise Additional Funds to complete its Water Works.

Chap. 76

Be it enacted, etc., as follows :

SECTION 1. The town of Waltham is hereby authorized, for the purposes named in chapter three hundred and thirty-seven of the acts of the year eighteen hundred and

May raise money by taxation to complete water works.

seventy-two, to raise by taxation, or by borrowing from time to time, an amount not exceeding fifty thousand dollars in addition to the amounts authorized by said act and by chapter eighty-four of the acts of the year eighteen hundred and seventy-five, upon like terms and conditions, and with like powers in all respects as provided in said acts for the raising of money.

SECTION 2. This act shall take effect upon its passage.

Approved March 11, 1880.

Chap. 77

AN ACT to authorize the City of Haverhill to establish a Hospital.

Be it enacted, etc., as follows :

May establish
and maintain a
hospital.

SECTION 1. The city of Haverhill is hereby authorized to erect, establish and maintain a hospital, which shall be called the Haverhill City Hospital, for the reception of persons who may need medical or surgical treatment during temporary sickness or injury, and to hold real and personal property, which may from time to time be donated therefor, to an amount not exceeding two hundred and fifty thousand dollars, for the uses and purposes of said hospital.

Board of trustees to consist of
nine persons.

SECTION 2. Said hospital shall be under the care, control and management of a board of trustees consisting of nine persons, one of whom shall be the mayor of said city for the time being, *ex officio*, and not more than three of whom shall be physicians; but they shall incur no expense for the said hospital, or its management, beyond the sums which shall be donated therefor, or appropriated by the city council of said city for the purposes of the hospital.

Eight trustees
to be elected by
city council.

SECTION 3. The said city council by concurrent vote of both branches thereof shall elect eight persons, who with the mayor of said city for the time being shall constitute said board of trustees; and whenever any vacancy shall occur in said board by death, resignation or other cause, such vacancy shall be filled by the remaining members of said board.

Subject to acceptance.

SECTION 4. This act shall take effect upon its acceptance by the city council of said city of Haverhill.

Approved March 11, 1880.

[Accepted June 2, 1880.] [1881, 97.]

[1877, 191.]

AN ACT in Addition to An Act establishing the City of Salem.

Chap. 78

Be it enacted, etc., as follows :

SECTION 1. Whenever in consequence of the death or resignation of the mayor or from any other cause, the office shall have become vacant, and the board of aldermen and common council shall each have declared by vote that the office is vacant, the board of aldermen shall issue warrants for the election of a mayor for the remainder of the term for which the last mayor was elected, unless the board of aldermen and common council shall each have declared by vote that it is inexpedient so to do; and the same proceedings shall be had as are provided by law for a choice of a mayor by the inhabitants. Until such vacancy is filled as aforesaid, and whenever the mayor from absence, illness, or other temporary disability cannot perform the duties of the office, and such vacancy or disability has been declared by the board of aldermen to exist, the president of the board of aldermen shall exercise the powers and perform the duties of mayor as long as such vacancy or disability continues; but while so acting he shall not vote except when the other members of the board present and voting on any question shall be equally divided.

Charter amended.

Vacancy in the office of mayor.

President of board of aldermen to act as mayor, during vacancy.

SECTION 2. This act shall take effect upon its acceptance by the city council of said city of Salem.

Approved March 11, 1880.

[Accepted March 23, 1880.]

AN ACT to authorize the Town of Medford to raise Money for the Celebration of the Two Hundred and Fiftieth Anniversary of its Settlement.

Chap. 79

Be it enacted, etc., as follows :

SECTION 1. The town of Medford is authorized to raise by taxation and appropriate a sum of money not exceeding the sum of seven thousand five hundred dollars for the purpose of celebrating during the present year the two hundred and fiftieth anniversary of its settlement.

May raise money to celebrate anniversary of settlement of town.

SECTION 2. This act shall take effect upon its passage.

Approved March 11, 1880.

[1874, 350.]

Chap. 80 AN ACT relative to Sessions and Adjournments of the Fourth District Court of Plymouth.*Be it enacted, etc., as follows :*

Civil and criminal sessions of court to be held daily.

Adjournments.

To take full effect June 1, 1880.

SECTION 1. The Fourth District Court of Plymouth shall be held for civil and criminal business daily, except on Sundays and legal holidays; and return days for writs in civil actions therein shall be at Middleborough on the first and third Tuesdays, and at Wareham on the second and fourth Thursdays of each month. Said court may adjourn from one to the other of said towns whenever the public convenience may seem to the justice presiding therein to render such adjournment expedient, and when no justice is present the court may be so adjourned by the sheriff of Plymouth county or either of his deputies.

SECTION 2. This act shall take effect so far as it relates to adjournments of said court on its passage, and shall take full effect on the first day of June next.

Approved March 11, 1880.

[1874, 203 ; 1877, 189.]

Chap. 81 AN ACT concerning the First District Court of Bristol.*Be it enacted, etc., as follows :*

Special justice holding session at Attleborough, may issue mittimus, etc., under his own hand and seal.

SECTION 1. The special justice of the first district court of Bristol holding a session of said court at Attleborough, under the provisions of chapter one hundred and eighty-nine of the acts of the year eighteen hundred and seventy-seven, may issue under his own hand and seal all mittimuses, or other warrants, which may be necessary or proper in execution of the judgments rendered or sentences imposed by said justice.

SECTION 2. This act shall take effect upon its passage.

Approved March 11, 1880.

[1870, 360 ; 1875, 115.]

Chap. 89 AN ACT to repeal Section One of Chapter One Hundred and Fifteen of the Acts of the Year Eighteen Hundred and Seventy-five relating to the Leasing of Great Ponds in the County of Dukes County.*Be it enacted, etc., as follows :*

Repeal of 1875, 115, § 1.

SECTION 1. Section one of chapter one hundred and fifteen of the acts of the year eighteen hundred and seventy-five relating to the leasing of great ponds in the county of Dukes County is hereby repealed.

SECTION 2. This act shall take effect upon its passage.

Approved March 12, 1880.

AN ACT to incorporate the Malden and Medford Parochial Cemetery Association. *Chap. 90*

Be it enacted, etc., as follows :

SECTION 1. Thomas Gleeson, Cornelius Cronin, Patrick Connell, their associates and successors, are hereby made a corporation under the name of the Malden and Medford Parochial Cemetery Association, for the purpose of holding, managing and perpetuating places for the burial of the dead, located and to be located in the towns of Malden and Medford in the county of Middlesex; and shall have all the powers and privileges and be subject to all the duties and liabilities set forth in chapter twenty-eight of the General Statutes, except as is otherwise provided in this act.

Corporators.

Name and purpose.

Powers and duties.

SECTION 2. The said corporation is hereby empowered to take and hold by purchase or gift, in fee simple, so much real estate in the towns of said Malden and Medford, not exceeding fifty acres, and so much personal property, as may be necessary for the purposes of said corporation, and shall hold the real estate aforesaid for burial ground, and for the erection of tombs, cenotaphs or other monuments, for or in memory of the dead; and for this purpose may lay out the same in convenient and suitable lots, and construct such suitable buildings and appendages as said corporation may from time to time deem expedient, subject, however, to the provisions of section five of chapter twenty-eight of the General Statutes.

May hold real estate in Malden and Medford for a burial ground.

SECTION 3. The said corporation shall have authority to grant and convey to any person or persons, the sole and exclusive right of burial in any of the aforesaid lots, and of erecting tombs and cenotaphs, and of ornamenting the same, upon such terms and conditions and subject to such regulations as said corporation shall prescribe.

May grant exclusive right of burial in the lots, etc.

SECTION 4. This act shall take effect upon its passage.

Approved March 12, 1880.

[Accepted May 10, 1880.]

AN ACT to authorize the Town of Watertown to raise Money for the Celebration of the Two Hundred and Fiftieth Anniversary of its Settlement.

Chap. 95

Be it enacted, etc., as follows :

SECTION 1. The town of Watertown is hereby authorized to raise by taxation and appropriate a sum of money not exceeding the sum of five thousand dollars, for the

May raise money for celebration of anniversary of settlement.

Figure 1 is a schematic representation of the experimental design. It shows a sequence of three main phases: Pretest, Training, and Transfer. Each phase has a corresponding 'Posttest' label. Arrows indicate the flow from Pretest to Training to Transfer. A 'Posttest' label is also present at the end of the Transfer phase.

1. The first step is to identify the problem or question that needs to be addressed. This involves understanding the context and the specific requirements of the task.

and

500.

SECRET

... of the
... name is
... the word
... Sec
... the fifth

line the word "twelve," and inserting the word "two;" and by adding at the end of the section the words "unless by the assent of said commissioners."

SECTION 2. This act shall take effect upon its passage.

Approved March 16, 1880.

[1876, 128 ; 1880, 57.]

AN ACT to extend the Provisions of Chapter Four Hundred and One of the Acts of the Year Eighteen Hundred and Seventy-four in relation to the taking of Land by the Fitchburg Railroad Company.

Chap. 100

Be it enacted, etc., as follows :

SECTION 1. The time within which the Fitchburg Railroad Company may avail itself of the rights and privileges granted by chapter four hundred and one of the acts of the year eighteen hundred and seventy-four is hereby extended to June thirtieth, eighteen hundred and eighty-five.

Time extended for taking lands for depot and terminal purposes.

SECTION 2. Said chapter of the acts of the year eighteen hundred and seventy-four and this act shall not authorize said Fitchburg Railroad Company to take any lands east of Charles River Avenue or Charles River bridge in any part of the city of Boston.

Approved March 16, 1880.

Not to take lands east of Charles River Avenue or Charles River Bridge in Boston.

[1881, 168.]

[1872, 20.]

AN ACT to change the Name of the East Weymouth Five Cents Savings Bank.

Chap. 102

Be it enacted, etc., as follows :

SECTION 1. The corporate name of the East Weymouth Five Cents Savings Bank is hereby changed, and the said corporation shall hereafter be known as the East Weymouth Savings Bank.

Name changed to the East Weymouth Savings Bank.

SECTION 2. This act shall take effect upon its passage.

Approved March 16, 1880.

[1855, 336; 1857, 17; 1859, 243; 1879, 111.]

AN ACT concerning the Middlesex and the Medford and Charlestown Railroad Companies.

Chap. 103

Be it enacted, etc., as follows :

SECTION 1. The Medford and Charlestown Railroad Company is hereby authorized to unite and consolidate with the Middlesex Railroad Company, at such time and on such terms as may be mutually agreed upon by said

The Medford and Charlestown, and the Middlesex Railroads may unite.

- corporations; and when thus united said corporations shall constitute one corporation under the name of the Middlesex Railroad Company: *provided, however*, that the terms of such union shall be approved by a majority in interest of the stockholders of each of said corporations respectively, present and voting at meetings called for the purpose, at which a quorum shall be represented.
- Proviso.**
- Powers of new corporation.** SECTION 2. The corporation formed as aforesaid shall have, hold, possess and enjoy, all the powers, privileges, rights, franchises, property and estates, which at the time of such union may be held and enjoyed by each of the corporations so united; and shall be subject to all the duties, restrictions and liabilities to which they may be at that time severally subject.
- May increase capital stock.** SECTION 3. The Middlesex Railroad Company is hereby authorized to increase its capital stock to an amount not exceeding one million of dollars.
- Redemption of bonds.** SECTION 4. Three hundred and fifty thousand dollars of said stock shall be applied to the payment or redemption of the bonds of said company already issued under the following dates, to wit:—the first day of February, eighteen hundred and seventy-five, and the first day of July, eighteen hundred and seventy-seven, at or before maturity; and the issue of said bonds is hereby legalized and made valid, and the holders thereof may convert them into stock as said bonds mature, unless redeemed by the company before maturity.
- Issue of bonds legalized.**
- Charter extended.** SECTION 5. So much of section fourteen of chapter four hundred and thirty-four of the acts of the year eighteen hundred and fifty-four as limits the existence of the said Middlesex Railroad Company to the period of fifty years from the passage of said act, is hereby repealed, and the existence of said corporation shall remain subject only to the general provisions of law.
- Obligations and liabilities not impaired.** SECTION 6. Nothing in this act shall release said Middlesex Railroad Company from any obligation or liability under which they now are, or alter, impair, or in any way affect any lease or contract of said Middlesex Railroad Company with the Malden and Melrose Railroad Company or any other party or parties.
- SECTION 7. This act shall take effect upon its passage.

Approved March 17, 1880.

[1880, 56.]

AN ACT to enable the Hoosac Valley Agricultural Society to obtain its State Bounty. *Chap. 105*

Be it enacted, etc., as follows :

SECTION 1. The treasurer of the Commonwealth is hereby directed to pay to the Hoosac Valley Agricultural Society the bounty it would have been entitled to receive, had it made its annual return on the tenth of January in the year eighteen hundred and seventy-nine. To receive the state bounty.

SECTION 2. This act shall take effect upon its passage.

Approved March 17, 1880.

AN ACT to incorporate the First Baptist Church of Quincy.

Chap. 106

Be it enacted, etc., as follows :

SECTION 1. D. Howard Bills, Robert Clark, William B. Lougee, Samuel E. Johnson and all other members of the First Baptist Church in Quincy, and their successors as members of said church, are hereby made a corporation with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all the general laws which now are or hereafter may be in force applicable to religious societies. Corporators.

Powers and duties.

SECTION 2. Said corporation shall be called "The First Baptist Church of Quincy." Name.

SECTION 3. Said corporation may hold real and personal estate to an amount not exceeding fifty thousand dollars, for parochial and religious purposes. Real and personal estate.

SECTION 4. This act shall take effect upon its passage.

Approved March 17, 1880.

[1880, 262.]

AN ACT in Relation to pensioning Disabled Members of the Fire Department of the City of Boston, and for other Purposes. *Chap. 107*

Be it enacted, etc., as follows :

SECTION 1. The board of fire commissioners of the city of Boston by the affirmative vote of all the members, and with the approval of the mayor, may retire from office in the fire department any permanent or call member thereof who has become disabled while in the actual performance of duty, or any permanent member who has performed faithful service in the department for a period of not less than fifteen consecutive years, and place the member so retired upon a pension roll. No such member shall be Members of fire department may be retired upon pensions.

Pension to be one-half of pay if disability is total.

Pension of members who have served fifteen years.

If member dies from injuries, an annuity to be paid to his widow.

Relief of widows and children of firemen who have been killed in the line of their duty.

Mayor and fire commissioners to be a body corporate for purposes of holding funds.

placed on the pension roll unless it shall be certified to the board in writing by the city physician that such member is permanently incapacitated either mentally or physically from performing his duty as a member of the department. In case of total permanent disability caused in or induced by the actual performance of his duty, the amount of annual pension shall be one-half of the annual compensation allowed to the permanent men of the grade in which said member served, or such less sum as the said board may determine. The pension of members of the permanent force who have served fifteen or more consecutive years shall be an amount not exceeding one-third the annual salary or compensation of the office from which said members are retired, or such less sum as the board may determine.

SECTION 2. If any member of the said fire department shall die from injuries received while in the discharge of his duties and shall leave a widow, or if no widow any child or children under the age of sixteen years, a sum not exceeding three hundred dollars may be paid by way of annuity to such widow so long as she remains unmarried, or to any such child or children so long as he or they continue under the age of sixteen years, and the board of fire commissioners may from time to time order such annuity to be reduced.

SECTION 3. For the purpose of carrying out the provisions of the foregoing sections, the board of fire commissioners may with the approval of the mayor expend such sums as may be specially appropriated therefor by the city council for the relief of widows or children of members of the fire department who have been killed in the execution of their duty or have died from the effect of injuries received in the execution of their duty. For the payment of the pensions herein before authorized, the board of fire commissioners may draw from time to time upon the city treasurer of Boston any sums which may be specially appropriated therefor by the city council.

SECTION 4. The mayor of the city of Boston for the time being and his successors in office, the board of fire commissioners of the city of Boston for the time being and their successors in office, shall together continue a body corporate for the purposes of receiving and holding all sums of money, and real and personal estate not exceeding in the aggregate two hundred thousand dollars

which may be given, granted, bequeathed or devised to it for the benefit of members of the Boston Fire Department or their families requiring assistance, or for the benefit of any persons or the families of any persons who have been such members requiring assistance. The property so held shall be known as The Boston Firemen's Relief Fund. The said body corporate shall have authority to manage and dispose of the same and the income thereof according to their best discretion, subject to the provisions of any and all trusts which may be created for the purposes aforesaid. Said corporation shall have all the powers and privileges and be subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force relating to similar corporations.

To be known as
The Boston
Firemen's
Relief Fund.

Powers and
duties.

SECTION 5. This act shall take effect upon its passage.

Approved March 17, 1880.

[1881, 82.]

[1879, 138.]

AN ACT to provide for the Construction of Public Urinals in the City of Lowell. *Chap. 108*

Be it enacted, etc., as follows :

SECTION 1. The city council of the city of Lowell is hereby authorized to erect and maintain urinals for public use in any street, way, court, public square, common or common lands in said city, and likewise on private land in said city, with the consent of the owner thereof, and upon such terms as may be agreed to by said city council and said owner. And any owner of land who suffers any injury in his property by reason of the construction of any urinal as aforesaid, may, at any time within one year after the order or resolution of said city council for said construction shall be approved by the mayor of said city, or shall otherwise become in force, apply to the superior court for the county of Middlesex for assessment of his damages by a jury, and have his damages ascertained in the manner provided where land is taken in laying out highways: *provided*, that at any time within six months after such order or resolution is in force, the mayor and aldermen of said city may assess the damages to any owner of property injured by such construction of a urinal; and if the amount of such assessment of damages shall equal or exceed the sum assessed by a jury granted as before provided, the costs incurred by reason of the application for

May maintain
public urinals.

Assessment of
damages.

Provided.

a jury shall be paid by the applicant for said jury, otherwise all such costs shall be paid by said city of Lowell.

SECTION 2. This act shall take effect upon its passage.

Approved March 17, 1880.

[1881, 99.]

[Special Laws, vol. 1, p. 382 ; vol. 2, pp. 51, 164 ; vol. 3, p. 355 ; 1835, 132 ; 1846, 48.]

Chap. 115 AN ACT to enable the Proprietors of Locks and Canals on Merrimack River to improve the Water Power used by them.

Be it enacted, etc., as follows :

May purchase
and transfer
property in New
Hampshire.

SECTION 1. The proprietors of locks and canals on Merrimack River are hereby empowered to purchase, hold and transfer, such real and personal property in the State of New Hampshire, as certain manufacturing corporations are authorized to acquire and hold, under chapter forty-eight of the acts of the year eighteen hundred and forty-six.

SECTION 2. This act shall take effect upon its passage.

Approved March 18, 1880.

Chap. 117 AN ACT to incorporate the American Bell Telephone Company.

Be it enacted, etc., as follows :

Corporators.

SECTION 1. Alexander Graham Bell, William H. Forbes, George Z. Silsbee, Richard S. Fay, Alexander Cochrane, George L. Bradley, Francis Blake, junior, Thomas Sanders and Charles Eustis Hubbard, and their associates, may associate themselves and organize a corporation according to the provisions of chapter two hundred and twenty-four of the acts of the year eighteen hundred and seventy, and the acts in amendment thereof and addition thereto, for the purpose of manufacturing, owning, selling, using and licensing others to use, electric speaking telephones and other apparatus and appliances pertaining to the transmission of intelligence by electricity, and for that purpose constructing and maintaining by itself and its licensees public and private lines and district exchanges, with a capital stock exceeding one million of dollars, and not exceeding ten millions of dollars.

Corporation
may become a
stockholder in
or interested
with other
telephone
corporations.
Provided.

SECTION 2. For the purposes aforesaid, said corporation may become a stockholder in or become interested with other corporations hereafter organized for like purposes, or already established for the transaction of telephonic business under its patents and no others: *provided*, that

said corporation shall not become a stockholder in any other corporation doing business in this state to an amount exceeding thirty per cent. of the capital stock of said last-named corporation. And it and its licensees may, within this Commonwealth, enjoy the rights given by chapter sixty-four of the General Statutes and acts amendatory thereof, and shall be subject to the liabilities therein imposed; but section ten of said chapter shall only apply to their public lines; and the apportionment provided by section five of chapter two hundred and eighty-three of the acts of the year eighteen hundred and sixty-five and acts amendatory thereof, shall be made upon the number of telephones in use by it, or under its authority, or with its permission, or under letters patent owned or controlled by it within and without this Commonwealth respectively; and the returns to be made under said act shall state the facts required for such apportionment in such form as the tax commissioner may determine; and it shall be the duty of said tax commissioner, or his deputy, to annually examine the books, accounts and papers of said corporation, so far as may be necessary for the verification of said returns.

Form of returns to be determined by tax commissioner.

SECTION 3. When an injury is done to a person or to property by the posts, wires, telephones, or other apparatus of the corporation, caused by any negligence on the part of itself or its officers, or on the part of any of its agents, servants, employés or operatives, the corporation shall be responsible in damages to the party injured.

Damages.

SECTION 4. The franchise or charter of said corporation shall not be sold or offered for sale, or leased to any company, or to any person or association of persons, without the consent of the legislature; and any contract made contrary to the provisions of this act shall be void. And this charter may be revoked by the legislature for any cause which they deem sufficient.

Franchise not to be sold or leased without consent of legislature.

Charter may be revoked.

SECTION 5. The provisions of the first and second sections of the three hundred and tenth chapter of the acts of the year eighteen hundred and sixty-eight, shall apply to said telephone company and its licensees. Said corporation shall be subject to all general laws that now are, or that may be hereafter in force, relating to similar corporations, so far as the same shall not be inconsistent with the provisions of this act.

Subject to general laws and to provisions of 1868, 310, §§ 1, 2.

SECTION 6. This act shall take effect upon its passage.

Chap. 121 AN ACT to establish a Boundary Line between the Towns of Falmouth and Sandwich.

Be it enacted, etc., as follows :

Boundary line
established.

SECTION 1. The boundary line between the towns of Falmouth and Sandwich, at and westerly of Hope Spring, is hereby defined and established as follows, to wit: said line shall begin at Hope Spring, thence north eighty-eight degrees forty minutes west to a stone monument on Lawrence Island; thence by the same course to Buzzard's Bay.

SECTION 2. This act shall take effect upon its passage.

Approved March 19, 1880.

[1849, 37.]

Chap. 122 AN ACT to authorize the Towns of Dennis and Yarmouth to regulate the Salmon and Trout Fishery in Bass River.

Be it enacted, etc., as follows :

Salmon and
trout fishery in
Bass River,
regulated.

SECTION 1. Section one of chapter thirty-seven of the acts of the year eighteen hundred and forty-nine, entitled "An Act to authorize the towns of Dennis and Yarmouth to regulate the fisheries in Bass River," is hereby amended by inserting after the words "herrings or alewives and perch," the words "salmon and trout;" and after the words "Bass River," the words "at the mouth thereof;" and section four of said chapter is hereby amended by inserting after the words "herrings, alewives or perch," the words "or salmon or trout," and by striking out of the last line of said section four the word "twenty," and inserting in lieu thereof the word "forty."

SECTION 2. This act shall take effect upon its passage.

Approved March 19, 1880.

Chap. 123 AN ACT to confirm the Corporate Organization of the Waiters Benevolent Association of the City of Boston.

Be it enacted, etc., as follows :

Organization
confirmed and
made valid.

The corporate organization of the Waiters Benevolent Association of the city of Boston under that name is hereby confirmed and made valid. All the deeds, acts and proceedings of said corporation are confirmed and made valid so far as such validity may have depended upon the name of the corporation under which they were made or transacted.

Approved March 19, 1880.

1880.—CHAPTERS 124, 125.

515

[1879, 277.]

AN ACT to extend the Provisions of Chapter Two Hundred and Seventy-seven of the Acts of the Year Eighteen Hundred and Seventy-nine, relative to the Incorporation of the Hoosac Tunnel Dock and Elevator Company.

Chap. 124

Be it enacted, etc., as follows :

The provisions of chapter two hundred and seventy-seven of the acts of the year eighteen hundred and seventy-nine are hereby extended for one year from the date of the passage of this act.

Provisions
extended for
one year.

Approved March 19, 1880.

AN ACT to authorize the City of Boston to construct and maintain a Highway and Bridge over Charles River and to widen Warren Bridge.

Chap. 125

Be it enacted, etc., as follows :

SECTION 1. The city of Boston, if in the judgment of its city council the public convenience and necessity require, may lay out, construct and maintain a highway and bridge, not to exceed one hundred feet in width, across Charles River from some point on the northerly side of Causeway Street between Beverly and Prince Streets to some point on the southerly side of Water Street between Warren Avenue and the easterly side of Charles River Avenue.

May construct
highway and
bridge across
Charles River.

SECTION 2. The city of Boston if in the judgment of its city council the public convenience and necessity require may reconstruct and widen to a width not exceeding eighty feet the present Warren Bridge, and may construct fender guards, make changes in the draw and draw piers and do such other acts as they may deem necessary, expedient or convenient in the premises to secure a bridge and road which shall safely and conveniently accommodate public travel and navigation.

May reconstruct
and widen
Warren Bridge.

SECTION 3. To secure and accomplish the objects and purposes of the preceding sections, the city of Boston may take such lands, buildings, wharves and structures as it may deem necessary ; and all damages to private property for land taken under this act shall be ascertained as in the case of the laying out of highways in the city of Boston.

May take lands,
wharves, etc.

SECTION 4. In the exercise of the powers granted by this act the city of Boston shall be subject to the provisions of chapter four hundred and thirty-two of the acts of the year eighteen hundred and sixty-nine and all general laws applicable thereto.

Subject to the
general laws
and provisions
of 1869, 432.

SECTION 5. This act shall take effect upon its passage.

Approved March 19, 1880.

[1877, 5.]

Chap. 126 AN ACT in Addition to the Acts for the Purpose of supplying the City of Boston with Pure Water.*Be it enacted, etc., as follows :*

May maintain
new main pipes
through Brook-
line to Boston.

May enter
upon and dig
up roads.

Subject to regu-
lations of select-
men of Brook-
line.

May lay and
maintain pipes
through Cam-
bridge, Somer-
ville and Med-
ford.

SECTION 1. For the purpose of supplying water to its inhabitants, the city of Boston is hereby authorized by and through the agency of the Boston Water Board to lay and maintain new main pipes from its reservoir constructed under the provisions of chapter one hundred and thirty-one of the acts of the year eighteen hundred and sixty-five, through the town of Brookline to the city of Boston in the manner provided in chapter one hundred and sixty-seven of the acts of the year eighteen hundred and forty-six; and for this purpose may take and hold by purchase or otherwise any lands or real estate necessary therefor; and lay said pipes over or under any water course or any streets, turnpike roads, railroads, highways or other ways, in such manner as not to unnecessarily obstruct or impede the travel thereon; and may enter upon and dig up any such roads, streets or ways, for the purpose of laying down said pipes beneath the surface thereof, and for maintaining and repairing the same; but always in such manner and with such care as not to render the roads, streets and ways unnecessarily unsafe or inconvenient to the public travel thereon. And said city of Boston in performing said work, shall be subject to such reasonable regulations as to time, place and manner of digging up any streets or ways of public travel for the purposes aforesaid and the laying of said pipes as shall be made by the selectmen of Brookline, within the limits of said town for the protection of their rights of drainage and sewerage therein and the public rights of passage thereon.

SECTION 2. For the purpose aforesaid the city of Boston is likewise authorized, through the agency of the Boston Water Board to lay and maintain a main pipe from any point on pipes authorized by the foregoing section through the cities of Cambridge and Somerville and the towns of Brookline and Medford to the Mystic pumping station, so called, in the city of Somerville, and for this purpose shall have all the powers specified in the foregoing section, and shall be subject to such reasonable regulations of the city council of the cities of Cambridge and Somerville and the selectmen of the towns of Medford and Brookline within their respective limits as may by the

foregoing section be made by the selectmen of the town of Brookline. Said city of Boston shall not displace any public sewer or water pipe without the assent of the said city councils and boards of selectmen respectively.

SECTION 3. Whenever the city of Boston shall dig up any street or way as aforesaid, it shall restore the same to as good order and condition as the same shall be in when such digging commenced; and the city of Boston shall at all times indemnify and save harmless the cities of Cambridge and Somerville, and the towns of Medford and Brookline against all damage which may be recovered against them respectively; and shall reimburse to them respectively, all expenses which they shall incur by reason of any defect or want of repair in any street or way, caused by the construction of said aqueduct or the laying of said pipes, or by the maintaining or repairing of the same: *provided*, that the city of Boston shall have due and reasonable notice of all claims for such damages or injury, and opportunity to make a legal defence thereto.

Streets to be restored to same order and condition as when digging commenced.

SECTION 4. The city of Boston shall be liable to pay all damages that shall be sustained by any persons in their property by the taking of any land or real estate or the laying of said pipes as aforesaid; and any person sustaining damage as aforesaid may have the same ascertained, determined, collected and paid in the manner which is provided in sections six, seven and eight of chapter one hundred and sixty-seven of the acts of the year eighteen hundred and forty-six.

Liability for damages.

SECTION 5. Upon requisition by the respective city councils of the cities of Cambridge and Somerville and the respective boards of selectmen of the towns of Medford and Brookline, prior to the laying of the said aqueduct and pipes through their respective limits, the city of Boston shall insert a number of hydrants in said pipes at points not less than one thousand feet apart, to be used for extinguishing fires, free of charge, and for no other purpose; and said several cities and towns shall pay to the city of Boston the expense of inserting and keeping in repair such hydrants as shall have been so inserted upon their requisitions aforesaid within their respective limits.

Hydrants to be established.

SECTION 6. The city of Boston is also authorized, if the Boston Water Board shall be of opinion that the supply of water is sufficient for the purpose, to sell water to the city of Cambridge, when conducted through the

May sell water to Cambridge.

main pipes laid by virtue of the provisions of section two of this act, upon such terms as may be agreed upon by the city council of the city of Cambridge, and said Boston Water Board.

Subject to
acceptance by
city council.

SECTION 7. This act shall take effect upon its acceptance by the city council of the city of Boston; but the powers conferred by section one of this act may be exercised without any obligation on the part of said city to exercise the powers conferred by section two.

Approved March 19, 1880.

[Accepted April 23, 1880.] [1881, 129.]

Chap. 127

AN ACT to incorporate the Berkshire Water Company.

Be it enacted, etc., as follows :

Corporators.

SECTION 1. Frank M. Pease, Henry C. Phelps, Charles C. Holcombe and Frank S. Gross, their associates and successors, are hereby made a corporation by the name of the Berkshire Water Company, for the purpose of furnishing the inhabitants of Lee with pure water for the extinguishment of fires, domestic and other purposes; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force applicable to such corporations.

Name and
purpose.

Powers and
duties.

May take water
in the town of
Lee.

Laurel Lake.

May take and
hold real estate.

SECTION 2. Said corporation may take, hold and convey through the town of Lee or any part thereof, the water of any spring or springs or of any stream or streams within said town of Lee, together with any water rights connected therewith, excepting however, Laurel Lake, its outlets and sources, unless with the consent of the owners of said lake; and may take and hold, by purchase or otherwise, any real estate necessary for the preservation and purity of the same, or for forming any dams or reservoirs to hold the same, and for laying and maintaining aqueducts and pipes for distributing the waters so taken and held; and may lay its water pipes through any private lands, with the right to enter upon the same and dig therein for the purpose of making all necessary repairs or service connections; and for the purposes aforesaid may carry its pipes under or over any water-course, street, railroad, highway or other way, in such manner as not to obstruct the same; and may under the direction of the board of selectmen enter upon and dig up any road or other way for the

May enter upon

purpose of laying or repairing its aqueducts, pipes, or other works; and in general may do any other acts and things convenient or proper for carrying out the purposes of this act.

and dig up highways.

SECTION 3. Said corporation shall, within sixty days after the taking of any land under the provisions of this act, file in the registry of deeds of the middle district of the county of Berkshire a description of any land so taken, sufficiently accurate for identification, and state the purposes for which it is so taken; and the title of land so taken shall vest in said corporation. Any person or corporation injured in any way by any acts of said corporation, and failing to agree with said corporation as to the amount of damages, may have the same assessed and determined in the manner provided when land is taken for highways; but no application shall be made to the county commissioners for the assessment of damages for the taking of water rights until the water is actually taken and diverted by said corporation. Any person whose water rights are thus taken or affected, may apply as aforesaid within three years from the time the water is actually withdrawn or diverted, and not thereafter, and no suit for injury done under this act shall be brought after two years from the alleged date of the receipt of injury.

To file in registry of deeds a description of the land taken.

Liability for damages.

Application to be made within three years.

SECTION 4. Said corporation may distribute the water through said Lee; may establish and fix from time to time the rates for the use of said water, and collect the same; and may make such contracts with the town of Lee, or with the Lee fire district, or with individuals or corporations to supply water for fire or for other purposes, as may be agreed upon by said town, or fire district, or individuals, or corporations, and said corporation.

May fix water rates.

SECTION 5. Said corporation, for the purposes set forth in this act, may hold real and personal estate not exceeding in amount fifty thousand dollars; and the whole capital stock shall not exceed one hundred thousand dollars, to be divided into shares of one hundred dollars each.

Real and personal estate.

SECTION 6. Manufacturing and other corporations doing any business in said Lee are hereby authorized to subscribe for and hold stock of said Berkshire Water Company.

Corporations may take stock in company.

SECTION 7. If any person shall use any of said water taken under this act, without the consent of said corporation, or shall wantonly or maliciously divert the water or

Penalty for diverting or corrupting water.

any part thereof so taken, or corrupt the same, or render it impure, or destroy or injure any dam, aqueduct, pipe, conduit, hydrant, machinery, or other works or property held, owned or used by said corporation under the authority of and for the purposes of this act, he shall forfeit and pay to said corporation three times the amount assessed therefor, to be recovered in an action of tort; and on conviction of either of the wanton or malicious acts aforesaid may be punished by a fine not exceeding three hundred dollars or by imprisonment in jail not exceeding one year.

SECTION 8. [Repealed.]

SECTION 9. This act shall take effect upon its passage.

Approved March 19, 1880.

[1881, 81.]

Chap 128 AN ACT to provide for the Taking of Land and the Erection thereon of a Court House for the County of Suffolk.

Be it enacted, etc., as follows:

Aldermen of Boston may take land for a court house in Boston.

SECTION 1. The board of aldermen of the city of Boston, acting as county commissioners for the county of Suffolk, are hereby authorized and empowered to take and hold, by purchase or otherwise, so much land as they may deem necessary for the erection thereon of a court house by the city of Boston for the use of the courts of the Commonwealth within and for the county of Suffolk and other purposes incidental thereto, and for a court house yard for the same; and they may appropriate and use therefor any land now owned by the city.

To file in the registry of deeds a description of the land taken.

SECTION 2. The board of aldermen shall, within thirty days from the time when they shall take any parcel or parcels of land under this act, file in the office of the register of deeds for said county, and cause to be recorded, a description of the land so taken as certain as is required in a common conveyance of land with a statement of the purpose for which it is taken; which description and statement shall be signed by the mayor of the city; and the city of Boston shall be liable to pay all damages that shall be sustained by any person or persons by reason of the taking of such land as aforesaid; such damages to be ascertained and determined in the manner provided for ascertaining and determining damages in case of the laying out, altering or discontinuing of ways within the city of Boston.

Liability for damages.

SECTION 3. In case the board of aldermen of the city of Boston shall fail before the first day of December, eighteen hundred and eighty, to exercise the powers granted them in the foregoing sections, such powers shall thereupon cease and determine. It shall then be lawful for the supreme judicial court, or any justice thereof, sitting in the county of Suffolk, either in term time or vacation, upon the petition of any ten citizens of the city of Boston, and after notice to said city, to appoint three discreet men, inhabitants of said city, to be a board of commissioners, who, upon such appointment, and upon being duly sworn to the performance of their duties, shall give public notice of their appointment, shall proceed to consider what site within said city is most suitable for a court house for the county of Suffolk, and shall take upon the site found to be most suitable by them, so much land as they may deem necessary for the purpose of a court house for the use of the courts of the Commonwealth within and for the county of Suffolk and other purposes incidental thereto and for a court house yard for the same. The said taking shall set forth the parcel or parcels of land taken with a description thereof as certain as is required in a common conveyance of land, and such taking being duly signed by the said commissioners or a majority thereof, and returned to the supreme judicial court, sitting in said county of Suffolk, and having been confirmed by said court, or any justice thereof, shall thereupon vest the title to said land in the city of Boston, and render the said city liable to pay all damages for the said taking as fully and completely in all respects as if said land had been taken by the board of aldermen acting as county commissioners by virtue of sections one and two of this act, in the manner and within the time herein provided. It shall thereupon be the duty of the mayor of the city of Boston to file the said description of the lands so taken with a statement of the purpose for which they have been taken, in the registry of deeds for the county of Suffolk. Said board of commissioners shall likewise estimate, determine and assess all damages sustained by any persons by the taking of land or by other acts of said board in the execution of the powers vested in them by this act, and shall return their award of said damages to the supreme judicial court for the county of Suffolk with their return of such taking and the award of said board or the majority of them being returned and

If aldermen fail to take land it may be taken by commissioners appointed by the supreme judicial court.

Mayor to file description of land so taken.

Assessment of damages.

accepted by said court, shall be final, and judgment shall be entered and execution issued thereon, unless either the city of Boston or any of the parties shall claim a trial by jury as hereinafter provided. The board of commissioners shall be entitled to a reasonable compensation for their services to be fixed by the court, and paid by the city of Boston, and any vacancy occurring in said board of commissioners may be filled by the said court.

Parties
aggrieved may
claim a trial by
jury.

SECTION 4. If either the city of Boston or any of the parties claiming to have sustained damages by the taking of land or by other acts of said board of commissioners, shall be dissatisfied with the amount of damages awarded, the city of Boston or such party may, at the term at which such award was returned, claim, in writing, a trial in said court, and have a jury to hear and determine at the bar of said court, all questions of fact relating to such damages, and to assess the amount thereof, in the same manner as is provided by law with respect to damages sustained by reason of the laying out of ways in the city of Boston; and the verdict of such jury being accepted and recorded by the said court, shall be final and conclusive, and judgment shall be rendered and execution issued thereon.

Court house to
be erected
within a reason-
able time.

SECTION 5. It shall be the duty of the city of Boston, acting by its city council, to erect within a reasonable time after any taking authorized by this act, a suitable court house for the use of the courts of the Commonwealth in and for the county of Suffolk and for other purposes incidental thereto upon the land so taken.

Betterment
laws not to
apply.

SECTION 6. The provisions of law in relation to the assessment of betterments shall not be applicable to any of the takings of land under this act.

SECTION 7. This act shall take effect upon its passage.

Approved March 22, 1881.

[Land taken for court house in Boston Nov. 27, 1880.]

[1861, 62; 1863, 133.]

Chap. 130 AN ACT to extend the Charter of the East Cambridge Land Company.
Be it enacted, etc., as follows:

Charter
extended.

SECTION 1. The term of the charter of the East Cambridge Land Company is hereby extended twenty years from the date of its present limitation.

SECTION 2. This act shall take effect upon its passage.

Approved March 23, 1880.

[1890, 38; 1861, 10, 184; 1866, 5; 1867, 76, 140; 1868, 239; 1869, 174, 260, 315; 1870, 406.]

AN ACT authorizing the New London Northern Railroad Company to issue Bonds. *Chap. 131*

Be it enacted, etc., as follows:

SECTION 1. The New London Northern Railroad Company is hereby authorized to issue its bonds, signed by its president and countersigned by its treasurer, to an amount not exceeding one million five hundred thousand dollars, for the purpose of retiring its present bonded indebtedness, paying its floating debt and extending its road. Said bonds shall be for one thousand dollars each, payable not more than thirty years from their date, and shall bear interest at the rate of not more than six per cent. per annum, payable semi-annually.

May issue bonds not exceeding \$1,500,000.

Interest not to exceed six per cent.

SECTION 2. Said New London Northern Railroad Company may secure said bonds by a mortgage of the whole of their present line and the Brattleborough Branch of the Vermont and Massachusetts Railroad Corporation, and of all its property and franchises wherever and however situated, acquired or to be acquired, to trustees for the holders of said bonds: *provided*, that the mortgage bonds of said company, outstanding at any one time, shall not exceed one million five hundred thousand dollars.

May secure bonds by mortgage of whole present line and the Brattleborough Branch.

SECTION 3. This act shall take effect upon its passage.

Approved March 23, 1880.

[1871, 218; 1872, 213.]

AN ACT to authorize the City of Lynn to raise Additional Funds to complete its Water Works. *Chap. 133*

Be it enacted, etc., as follows:

SECTION 1. The city of Lynn may, for the purposes mentioned in chapter two hundred and eighteen of the acts of the year eighteen hundred and seventy-one, raise by borrowing from time to time, an amount not exceeding two hundred thousand dollars in addition to the amounts authorized by said chapter and by chapter two hundred and thirteen of the acts of the year eighteen hundred and seventy-two, upon like terms and conditions and with like powers in all respects as are provided in said first named act for the raising of money.

May borrow money to complete water works.

SECTION 2. This act shall take effect upon its passage.

Approved March 24, 1880.

[1876, 246.]

Chap. 134 AN ACT authorizing the City of Boston to make Ordinances in relation to Vehicles and their Loads in said City.

Be it enacted, etc., as follows :

May regulate
by ordinance
the size and
shape of vehi-
cles and their
loads.

SECTION 1. The city council of the city of Boston may make such ordinances in relation to the size and shape of all carriages, wagons, carts, trucks, sleighs, sleds, and other vehicles, and their loads, passing through the streets and public ways of said city, as it may deem necessary for the public safety and convenience, with penalties for the violation thereof not exceeding twenty dollars for each offence.

SECTION 2. This act shall take effect upon its passage.

Approved March 24, 1880.

Chap. 135 AN ACT to authorize the Town of Peabody to make Alterations and Improvements in Goldthwait's Brook.

Be it enacted, etc., as follows :

Town may
deepen channel
of Goldthwait's
Brook.

SECTION 1. For the purpose of carrying away the waters of Goldthwait's Brook and any pollution therein and preventing injury therefrom to the health of the inhabitants of the town of Peabody or its vicinity, said town is hereby authorized to straighten, deepen and widen the channel of said brook and remove obstructions therefrom, from a point at the crossing of said brook by Caller Street to a point in the boundary line between said town and the city of Salem, at or near the head of Frye's Mill Pond, so called, near the location of the Essex Railroad, or, between said points, to change the course of said brook, or to lay out and construct a new channel therefor, through the lands of any persons or corporations, and through such improved, changed or new channel to conduct the waters of said brook, and any pollution therein, into said pond. Said construction and alterations shall be substantially made in such manner as said town shall determine, and said town may repair such new or altered channel whenever repair thereof shall be necessary. All persons and corporations now having the right of drainage into or through said Goldthwait's Brook shall have the same right of drainage into and through said new or altered channel : *provided*, that nothing contained in this act shall be construed as enlarging any rights of discharging any sewerage, filth or pollution into said brook, beyond what now exist.

May change
course of brook.

Right of drain-
age into brook.

Provido,

May construct

SECTION 2. Said town may construct said channel

under any railroad, road, street, highway or other way, and may enter upon and dig up such railroads, roads, streets and ways, for the purpose of the alteration, construction, maintenance and repair of said channel, and in such manner as not to render the same unnecessarily inconvenient to public travel during the work thereon, restoring such railroads, roads, streets or ways to as good order and condition as the same shall be when such digging, construction or repair commenced, and in general may do all other acts and things necessary and proper for the purposes of this act.

channel under
any railroad or
street.

SECTION 3. Before making said alterations or laying out or constructing said new channel, said town shall give the same notice of its intention to the abutters on said brook, between said points, and to the owners of land through which it is proposed to lay out said new channel, as is provided by law in the case of laying out of town ways, and no such alteration shall be made, or new channel laid out, until such laying out or alteration, with the boundaries and admeasurements of such new channel and a description of such alteration, is reported to the town and accepted and allowed at some public meeting of the inhabitants regularly warned and notified therefor, nor unless such laying out, with said boundaries and admeasurements or description is filed in the office of the town clerk seven days at least before such meeting.

Notice to be
given to
abutters on
brook and to
owners of land.

Subject to
acceptance by
the town.

SECTION 4. Said town shall pay all damages sustained by any persons or corporations in their property, by reason of said alterations or of said laying out and construction of said channel, and the benefit, if any, by reason thereof, to the property of such persons or corporations, shall be allowed by way of set off to such damages. If any person or corporation sustaining damages as aforesaid cannot agree with the town upon the amount of such damages, they may have them assessed by the county commissioners for the county of Essex, by making written application therefor within one year after such alterations, laying out or construction; and either party aggrieved by the doings of said commissioners in the estimation of said damages, may have the same settled by a jury; and if the damages are increased by the jury the town shall pay all legal costs; but otherwise the said costs shall be paid by the party claiming damages; and the said commissioners and jury shall have the same powers, and the proceedings shall be

Town to pay
damages
sustained.

If not agreed
upon, damages
may be assessed
by county
commissioners.

Parties
aggrieved may
apply for a jury.

in all other respects conducted in the same manner as provided by law in case of taking land for highways.

Powers may be exercised as town may direct.

SECTION 5. The rights and powers given to said town by this act shall be exercised by it in such manner and by such officers and agents as said town shall choose and direct. And said town may at any legal meeting grant and vote such sums as it may judge necessary for the purposes of this act.

To take effect upon acceptance by town.

SECTION 6. This act shall take effect upon its acceptance by said town at a legal meeting of the voters thereof.

Approved March 26, 1880.

[Accepted May 3, 1880.]

Chap. 136

AN ACT in Relation to Pilots and Port Wardens of the Ports of Gloucester and Rockport, and the Ports on Buzzard's Bay and the Island of Martha's Vineyard.

Be it enacted, etc., as follows :

Pilots of Gloucester and Rockport to render account to port wardens of vessels and fees.

SECTION 1. Once in every three months each pilot for the ports of Gloucester and Rockport shall render to the board of port wardens for said ports an accurate account of all vessels piloted by him, together with the full amount of all money received by him or by any person for him, for pilotage, and shall pay said port wardens four per cent. of the amount thereof; and if any pilot shall make a false return or otherwise neglect his duty under this act he shall be liable to suspension as provided for in section sixteen of chapter one hundred and seventy-six of the acts of the year eighteen hundred and sixty-two.

To pay over to port wardens, four per cent of fees.

Pilots of Buzzard's Bay and Martha's Vineyard.

SECTION 2. Each pilot for the ports upon Buzzard's Bay and the Island of Martha's Vineyard shall make the same returns, and pay the same commission, to the port wardens of said ports, as are required by section one of this act of the pilots of Gloucester and Rockport.

To take effect April 1, 1880.

SECTION 3. This act shall take effect on and after the first day of April in the year eighteen hundred and eighty.

Approved March 26, 1880.

Chap. 138

AN ACT to amend Section Ten of Chapter Twenty of the Acts of the Year Eighteen Hundred and Seventy-nine, entitled "An Act to supply the Town of Middleborough with Pure Water."

[This act and 1879, 20, became void in consequence of not having been accepted within the time prescribed.]

[1875, 185.]

AN ACT to authorize the Connection of the Arnold Arboretum with the System of Parks of the City of Boston.

Chap. 144

Be it enacted, etc., as follows:

SECTION 1. In case the board of park commissioners of the city of Boston deem it desirable to take that tract of land in that part of the city of Boston known as West Roxbury, held by the president and fellows of Harvard College, and by them dedicated to the use of the Arnold Arboretum, so called, together with certain adjoining tracts the property of other parties, deemed by said commissioners convenient and necessary for use in connection therewith, for the purposes and under the powers and limitations set forth in chapter one hundred and eighty-five of the acts of eighteen hundred and seventy-five, and acts in addition thereto and amendment thereof, the city of Boston is hereby authorized to lease such portion of said arboretum and adjoining tracts so taken as the said board of park commissioners may deem not necessary for use as park-ways and grounds to the president and fellows of Harvard College, to be held by them to the same uses and purposes as the arboretum is now held under the trusts created by the wills of Benjamin Bussey and of James Arnold; and for such a term, and upon such mutual restrictions, reservations, covenants and conditions, as to the use thereof by the public, in connection with the uses of the same under said trusts, and as to the rights, duties and obligations of the contracting parties, as may be agreed upon between said commissioners and said president and fellows. The board of park commissioners on the part of the city of Boston, and the president on behalf of the president and fellows of Harvard College, are respectively authorized to execute and deliver said lease.

Park commissioners may take land dedicated to the use of the Arnold Arboretum.

May lease portion of land taken, to Harvard College for the purposes of the arboretum.

SECTION 2. This act shall take effect upon its passage.

Approved March 29, 1880.

[1881, 92.]

[1876, 129.]

AN ACT in further Addition to "An Act relating to the Mystic River Corporation."

Chap. 145

Be it enacted, etc., as follows:

SECTION 1. The Mystic River Corporation is hereby authorized to extend its band of pier wharf, beyond the line now provided by law, on the main channel of Mystic

Mystic River Corporation may extend band of pier wharf on main

channel of
Mystic River.

To be done
under the
supervision of
the harbor and
land commis-
sioners.

Corporation
may hold shares
in Ocean Ter-
minal Railroad
Company.

River in a northerly direction to a point three hundred and eighty-five feet easterly from a point on the easterly line of Chelsea Bridge Avenue, one hundred feet distant southerly from the top face of the northerly abutment of said avenue measured at right angles therewith; thence turning and running north-westerly in a straight line to a point on the easterly line of said avenue extended north-easterly sixty-five feet distant north-easterly from the said abutment of said avenue. Then commencing at a point on the westerly line of said avenue extended north-easterly sixty-five feet distant north-easterly from the said abutment of said avenue, and running in a straight line to a point thirty feet northerly from the north-westerly corner of the sea wall of said corporation as now built; thence turning and running in a straight line to the easterly line of Elm Street, extended north-easterly and thirty feet northerly from the northerly line of the north sea wall of said corporation as already authorized to be built. And vessels may be laid at said piers, and wharfage and dockage may be received therefor. And all acts hereby authorized shall be done under the supervision and to the satisfaction of the harbor and land commissioners; and the amount of water displaced by the additional structure hereby authorized shall be ascertained by said commissioners as provided by chapter seventy-four of the acts of the year eighteen hundred and seventy-eight; and compensation shall be made therefor to the extent provided by said act by excavation between the structure hereby authorized and the main channel of Mystic River, in addition to the excavation required by chapter four hundred and eighty-one of the acts of the year eighteen hundred and fifty-five and as provided by said act.

SECTION 2. The said Mystic River Corporation is hereby authorized to purchase and hold shares of the capital stock of the Ocean Terminal Railroad Company.

Approved March 29, 1880.

[1881, 239.]

[1879, 111.]

Chap. 146 AN ACT in Addition to An Act to incorporate the Lynn and Boston Railroad Company.

Be it enacted, etc., as follows:

Charter
amended.

SECTION 1. Section thirteen of chapter two hundred and two of the acts of the year eighteen hundred and fifty-nine is hereby amended by inserting after the words

"constructing or equipping their road," the words "or any extension thereof;" and the sinking fund provided in chapter twenty-four of the acts of the year eighteen hundred and fifty-five, and referred to in said section thirteen, need not be made to secure any bonds hereafter issued by said Lynn and Boston Railroad Company; but no bonds hereafter issued shall be made payable at a period prior to the time of payment of bonds heretofore issued.

SECTION 2. Said company under its charter as hereby amended is hereby authorized to issue bonds to an amount not exceeding eighteen thousand dollars, to enable it to pay at or before maturity its present bonded debt.

May issue bonds
not exceeding
\$18,000.

SECTION 3. This act shall take effect upon its passage.

Approved March 29, 1880.

AN ACT to incorporate the Somerville Wharf and Improvement Company.

Chap. 147

Be it enacted, etc., as follows :

SECTION 1. George Wheatland, James W. Roberts, Peter S. Roberts, Solomon Parsons, Horatio G. Parker, their associates and successors, are made a corporation by the name of the Somerville Wharf and Improvement Company, with power to purchase and hold, in fee simple or otherwise, all or any part of that tract of land and flats situated in Somerville, and bounded south-westerly by Mystic Avenue, north-westerly by the Medford line, north-easterly by Mystic River, and easterly by the Boston and Maine Railroad, containing about two hundred acres.

Corporators.

Name and
purpose.

SECTION 2. Said corporation shall have power to sell and convey, lease, mortgage, or otherwise dispose of and deal with said corporate property or any part thereof, and to manage, improve, fill and grade the same, with authority to construct docks, wharves and buildings, and to lay out streets and passageways, and otherwise improve the same, as it shall deem expedient: *provided, however*, that no canal shall be constructed within the territory of said corporation without the consent of the city of Somerville; and *provided, further*, that all authority granted by this act to do any filling or to build any structures in said tide water is granted subject to the provisions of chapter four hundred and thirty-two of the acts of the year eighteen hundred and sixty-nine, and *further* with all the rights and privileges, and subject to all the duties, limitations and restrictions conferred or imposed by general laws which now

May sell land,
build wharves,
etc., and lay out
streets.

Proviso.

Canal not to be
constructed
without consent
of city.

are or hereafter may be in force applicable to such corporations.

Capital stock
and shares.

SECTION 3. The capital stock of said corporation shall be six hundred thousand dollars divided into shares of one hundred dollars each, and said corporation, subject to the provisions of law, may increase the said stock from time to time to an amount not exceeding one million dollars.

SECTION 4. This act shall take effect upon its passage.

Approved March 29, 1880.

[Special Laws, vol. 1, p. 329; 1818, 84; 1854, 122; 1862, 150; 1866, 275; 1874, 198.]

Chap. 148

AN ACT in Relation to the Turner's Falls Company.

Be it enacted, etc., as follows:

May construct
dams for
creating water
power.

SECTION 1. The Turner's Falls Company may maintain and use its dams, locks and canals, as at present constructed, or any portion thereof, and may construct other dams, locks and canals connected therewith, for the purpose of creating a water power to use or lease to other persons or corporations for mechanical or manufacturing purposes. And for the purposes aforesaid the said Turner's Falls Company shall have all the powers and privileges and be subject to all the duties, liabilities and restrictions set forth in chapter sixty-eight of the General Statutes and the acts in amendment thereof and in addition thereto, and chapter two hundred and twenty-four of the acts of the year eighteen hundred and seventy and the acts in amendment thereof and in addition thereto; but this grant shall in no wise impair the legal rights of any stockholder in said company.

Powers and
duties.

Canal discon-
tinued as a
navigable
highway.

SECTION 2. The Turner's Falls Company is hereby relieved from the obligation to support its locks, dams and canals, for the purposes of navigation, and its said canal is hereby discontinued as a navigable highway.

Subject to
acceptance by
stockholders.

SECTION 3. This act shall not take effect until it is accepted by a majority in interest of the stockholders present or lawfully represented and voting at a legal meeting called for that purpose.

Approved March 29, 1880.

[1868, 309, 335 ; 1870, 324 ; 1872, 185 ; 1876, 106 ; 1878, 41.]

AN ACT in Relation to Chelsea Bridge.

Chap. 159

Be it enacted, etc., as follows:

SECTION 1. Upon the payment of the sum of twenty-five thousand dollars by the city of Chelsea to the city of Boston, it shall thereupon be the duty of the city of Boston to forever maintain and keep in repair the north-easterly draw and draw-piers of Chelsea bridge, and also such portion of the bridge as may be included within the piers when re-located.

Boston to forever keep in repair certain part of Chelsea Bridge, upon payment of \$25,000 by Chelsea to Boston.

Upon the payment aforesaid said city of Boston shall, in addition to its existing liability under the laws of this Commonwealth for damages resulting from defects in said bridge, be likewise liable under said laws for all such defects in that portion of said bridge whereof by this act it assumes the maintenance and repair.

Liability for defects in bridge.

SECTION 2. For the purpose of reconstructing said Chelsea bridge under the provisions of chapter one hundred and six of the laws of the year eighteen hundred and seventy-six, the city of Boston shall have, with reference to that portion of said bridge the maintenance and repair of which was newly imposed upon the city of Boston by chapter forty-one of the laws of the year eighteen hundred and seventy-eight, and that portion to be maintained and kept in repair under the first section of this act, all the powers with reference to said portions conferred by said chapter one hundred and six of the laws of the year eighteen hundred and seventy-six upon the city of Chelsea. The city of Boston is authorized at its discretion to construct a temporary carriage way, in addition to the foot way mentioned in section five of chapter one hundred and six of the laws of eighteen hundred and seventy-six, with the exemption from liability therein set forth.

Powers of Boston in reconstruction of bridge.

Temporary carriage way.

SECTION 3. Said city of Boston is further authorized to build a temporary structure upon which the Lynn and Boston Railroad Company may run its cars at its own risk, while said city is rebuilding any portion of said bridge, or said railroad company may build and use said temporary structure itself, subject to the approval of the harbor commissioners: *provided*, that said city shall not be liable to any person or corporation by reason of maintaining said temporary structure, or by reason of any defect therein; and *provided also*, that nothing contained in this section shall be construed to prohibit said city from closing said

May build temporary structure for Lynn and Boston Railroad.

Proviso.

Channel of
Mystic River
not to be
obstructed.

bridge or any portion thereof to public travel, whenever it shall become necessary in the construction thereof.

SECTION 4. Nothing in this act shall permit any obstruction of the main channel of Mystic River by such temporary structures or otherwise.

SECTION 5. This act shall take effect upon its passage.

Approved March 31, 1880.

[1867, 62.]

Chap. 164 AN ACT to incorporate the Manufacturers Gas Light Company of Fall River.

Be it enacted, etc., as follows:

Corporators.

Name and
purpose.

May dig up and
open grounds.

To put streets
in repair.

Real estate.

Capital stock.

May acquire
rights of the
Manufacturers

SECTION 1. Thomas F. Eddy, Charles M. Shove and Joseph A. Baker, their associates and successors, are hereby made a corporation by the name of the Manufacturers Gas Light Company, for the purpose of making and selling gas in the city of Fall River; with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force relating to such corporations.

SECTION 2. Said corporation with the consent of the mayor and aldermen of said city shall have power and authority to dig up and open the grounds in any of the streets, lanes and highways in said city for the purpose of laying, sinking and repairing such pipes and conductors as may be necessary to accomplish the object of the corporation and for the purpose aforesaid; but such consent shall not affect the right or remedy to recover damages for any injury which shall be caused to persons or property by the doings of such corporation. They shall put all such streets, lanes and highways which are opened, into as good repair as they were in when they were opened, and upon failure so to do within a reasonable time shall be deemed guilty of a nuisance. The mayor and aldermen of said city shall at all times have power to regulate, restrain and control all acts and doings of the said corporation which may in any manner affect the health, safety, convenience or property of the inhabitants of said city.

SECTION 3. Said corporation may hold such real estate as may be necessary and convenient for the purpose aforesaid, not exceeding in value the sum of forty thousand dollars; and the whole capital stock shall not exceed the sum of fifty thousand dollars.

SECTION 4. The manufacturing corporations in Fall River may severally hold stock, not to exceed thirty-three

per cent. of the whole stock, in said gas company; and said gas company may acquire and hold the rights and property formerly belonging to the Manufacturers' Gas Company of Fall River.

Gas Company
of Fall River.

SECTION 5. This act shall take effect upon its passage.

Approved March 31, 1880.

AN ACT to authorize the Town of Agawam to borrow Money.
Be it enacted, etc., as follows:

Chap. 165

SECTION 1. The town of Agawam, for the purpose of discharging its liability for the payment of its portion of the cost of building the bridge from Springfield over the Connecticut river to that town, may become indebted in addition to its other existing indebtedness in a further sum not to exceed forty thousand dollars. Any debts contracted by virtue hereof shall be made payable at a period not exceeding twenty years from the passage of this act. And said town shall annually raise by taxation a sum not less than three per cent. of the principal indebtedness of the whole amount of the indebtedness of the town, which shall be annually applied towards the payment of the debts of the town, exclusive of the interest of such indebtedness.

May increase its
indebtedness
\$40,000 to pay
for building
bridge.

Three per cent
of principal
indebtedness
to be paid
annually.

SECTION 2. The provisions of chapter two hundred and nine of the acts of the year eighteen hundred and seventy-five, and of other acts in addition thereto, shall apply to said town except so far as they are inconsistent herewith.

Provisions of
1875, 209, not
inconsistent,
to apply.

SECTION 3. This act shall take effect upon its passage.

Approved March 31, 1880.

AN ACT relating to Criminal Jurisdiction at Downer Landing in the Town of Hingham.

Chap. 168

Be it enacted, etc., as follows:

SECTION 1. The courts in the county of Suffolk shall have jurisdiction concurrently with the courts having jurisdiction in the county of Plymouth of all crimes, offences and misdemeanors committed in that portion of the town of Hingham in the county of Plymouth lying within the following limits; viz., beginning at the tide-gate under the bridge on Otis Street, thence running in a direct line to the corner of Lincoln Street and Downer Avenue, thence by Lincoln Street to the Weymouth line, thence by the shore to the place of beginning.

Courts of Suffolk County to have concurrent criminal jurisdiction at Downer Landing.

Police of Boston may make arrests and serve criminal process.

SECTION 2. The police officers of the city of Boston shall have the same power and authority to make arrests and serve criminal process in that portion of the town of Hingham described in section one of this act as they now have in the city of Boston.

May be sent to aid officers at Downer Landing.

SECTION 3. The police commissioners or other person or persons having authority over the police force of the city of Boston, may in their discretion, upon request made to them by any person living or owning property within the limits described in section one of this act, send one or more police officers of the city of Boston to aid the officers of the town of Hingham in maintaining and preserving the peace within said limits.

SECTION 4. This act shall take effect upon its passage.

Approved April 5, 1880.

[1876, 164.]

Chap. 169 AN ACT to enable the Massachusetts Central Railroad Company to cross the Lexington and Arlington Railroad at Grade, and to change the Location of Certain Portions of its Road.

Be it enacted, etc., as follows :

Massachusetts Central Railroad may cross railroad formerly of Lexington and Arlington Railroad Company.

SECTION 1. Section two of chapter two hundred and fifty-three of the acts of the year eighteen hundred and seventy-nine is hereby amended so far as to authorize the Massachusetts Central Railroad Company to so locate and construct its railroad as to cross the railroad formerly of the Lexington and Arlington Railroad Company, now the property of the Boston and Lowell Railroad Corporation, in the city of Cambridge, at the same level therewith: *provided*, said Massachusetts Central Railroad Company shall first obtain the consent in writing of the board of railroad commissioners thereto, in accordance with chapter three hundred and seventy-two of the acts of the year eighteen hundred and seventy-four.

Proviso.

May locate and construct railroad upon the Ware River, and New London Northern Railroads.

SECTION 2. The Massachusetts Central Railroad Company is hereby authorized to locate and construct its railroad over and upon such portion of the location of the Ware River Railroad Company as it may hereafter acquire by agreement with said Ware River Railroad Company, and over and upon such portion of the location of the New London Northern Railroad Company as it may hereafter acquire by agreement with said New London Northern Railroad Company: *provided, however*, that nothing in this section shall authorize a relocation of said Massachusetts

Proviso.

Central Railroad Company contrary to the provisions of section two of chapter one hundred and forty-eight of the acts of eighteen hundred and seventy-five, and that before any change is made in its location under this act the said Massachusetts Central Railroad Company shall give a bond with sufficient sureties to the parties in interest, to pay all damages already caused by the acts of the railroad upon the portion of the location which may be discontinued under this act, the said bond to be approved by the county commissioners of the county where the land is situated; or shall pay said damages within six months from the passage of this act.

SECTION 3. The Ware River Railroad Company is hereby authorized to relocate and construct its railroad, and the New London Northern Railroad Company is hereby authorized to relocate and construct its railroad, so far as the same shall become necessary to either company by reason of any agreement made in pursuance of section two of this act: and *provided*, that such relocation and construction shall be made in accordance with law.

Ware River
Railroad Com-
pany may re-
locate road.

SECTION 4. This act shall take effect upon its passage.

Approved April 6, 1880.

[1878, 177.]

AN ACT to establish Harbor Lines in Boston Harbor.

Chap. 170

Be it enacted, etc., as follows:

SECTION 1. The lines hereinafter described shall be, and the same hereby are, established as lines beyond which no wharf or pier shall be extended into and over the tide waters of the Commonwealth.

Harbor lines in
Boston Harbor
established.

SECTION 2. The line on the frontage of the city proper begins at point A on the northerly side of Dover Street Bridge, at its junction with the face of the wharf, and is marked by a copper tack through an iron plate on the face of the capsill, and is referred to points A' and A''. A' is on the plank sidewalk on the southerly side of Dover Street Bridge, and is marked by a copper tack through an iron plate: the bearing from point A to A' is the same as the harbor line between the points A and B. Point A'' is at the south-easterly corner of a brick building at the north-easterly corner of Dover and Albany Streets: distance from point A to A'', one hundred and twenty-two and fifty-four one-hundredths feet; bearing from point A to A'', one

City proper.
Dover Street
Bridge.

Dover and
Albany Streets.

hundred and four degrees, forty-six minutes, and twenty-three seconds.

Pope's upper Wharf.

Thence northerly to point B, which is at the northerly corner of Pope's upper Wharf, and is referred to point B' on the capsill of Pope's lower Wharf, and is marked by a copper tack through an iron plate: distance from B to B', thirty-five and sixty one-hundredths feet; bearing from B to B', one hundred and ninety-eight degrees, three minutes, and nineteen seconds.

Furber and Bailey's Wharf.

Thence northerly to point C, which is at the southerly corner of Furber and Bailey's Wharf, and is referred to point C' on the capsill of the same wharf, and is marked by a nail through an iron plate: distance from C to C', thirty-eight feet; bearing from C to C', one hundred and ten degrees and twenty seconds.

Gutterson's Wharf.

Thence northerly to point D, which is at the southerly corner of Gutterson's Wharf, and is referred to point D' on the northerly corner of Hamm's Wharf, and is marked by a copper tack through an iron plate on the capsill: distance from D to D', forty-eight and seventy-eight one-hundredths feet; bearing from D to D', thirty-nine degrees, thirty-two minutes, and four seconds.

Hamm's Wharf.

Broadway Bridge.

Thence northerly to point E, which is near the intersection of the southerly side of Broadway Bridge and the face of the wharf, and is referred to point E' on the southerly corner of the Boston and Albany Railroad Wharf, under Broadway Bridge, and is marked by a nail through an iron plate on the diagonal corner-brace framed into the capsill of the wharf: distance from E to E', thirty-six and ninety-two one-hundredths feet; bearing from E to E', two hundred and thirty-six degrees, twenty-six minutes, and fifty-three seconds.

Boston and Albany Railroad Wharf.

Thence northerly to point F, which is at the angle in the Boston and Albany Railroad Wharf about one hundred feet below Broadway Bridge, and is referred to point F' on the capsill of the same wharf, and is marked by a copper tack through an iron plate: distance from F to F', forty-six one-hundredths feet; bearing from F to F', one hundred and eighty-one degrees, fourteen minutes, and forty-two seconds.

Boston and Albany Railroad Wharf.

Thence northerly to point G, which is at the face of the Boston and Albany Railroad Wharf, at its intersection with the harbor line between the points G and H; said point G being about twenty-four and one-half feet from

the corner of the same wharf, and is referred to points G' and G''. Point G' is on the harbor line between the points G and H, where said last named line crosses the Old Colony Railroad Bridge, and is about sixty-five feet south-westerly from the corner of a freight shed, and is marked by a copper tack through an iron plate: distance from G to G', two hundred and six and eighteen one-hundredths feet; bearing from G to G' is the same as the harbor line between the points G and H. Point G'' is on the capsill of the same wharf as point G, and is marked by a copper tack through an iron plate: distance from G to G'', twenty-two and seventy-eight one-hundredths feet, bearing from G to G'', two hundred and twenty-six degrees, fifty-four minutes, and fifty-seven seconds.

Old Colony
Railroad
Bridge.

Thence northerly to point H, which is the point of commencement of a curve in the harbor line of three hundred and thirty-eight feet radius; the harbor lines between the points G and H and between the points I and K being tangent thereto. The radius of curve is three hundred and thirty-eight feet; the length of tangent is one hundred and nine and twenty-nine one-hundredths feet; the arc passed through is thirty-five degrees, fifty minutes, and seventeen seconds. Point H is referred to point H' on northerly side of Federal Street Bridge, where the harbor line between the points G and H crosses said Federal Street Bridge, and is marked by a copper tack through an iron plate on the face of the capsill; also by a copper tack in the outside corner of the sidewalk cap: distance from H to H', one hundred and eighty-six and two one-hundredths feet; bearing from H to H', the same as the harbor line between the points H and G.

Federal Street
Bridge.

Thence northerly on an arc of a circle of three hundred and thirty-eight feet radius to point I, which is the point of termination of the curve whose point of commencement is at point H. Said point I is near Austin Wellington's Wharf, and is referred to point I' on the southerly side of Mount Washington Avenue Bridge, where the harbor line between the points I and K crosses said Mount Washington Avenue Bridge, and is marked by a copper tack through an iron plate: distance from I to I', four hundred and sixty-four and eighty-four one-hundredths feet; the bearing from I to I' is the same as the harbor line between the points I and K.

Austin Well-
ington's Wharf.

Mount Wash-
ington Avenue
Bridge.

Thence northerly to point K, which is at the angle in Otis's Wharf,

Otis's Wharf,

the outer face of Otis's Wharf, about eighty feet south-westerly from the Pioneer Floating Dry Dock, and is referred to points K' and K". Point K' is on the capsill of Otis's Wharf, and is marked by a copper tack through an iron plate: distance from K to K', fifty-eight one-hundredths feet; bearing from K to K', one hundred and forty-six degrees, fifty-five minutes, and fifty-two seconds. Point K" is at the south-easterly brick corner of a brick building on the northerly side of the entrance to Arch Wharf: distance from K to K", one hundred and sixty and thirty-four one-hundredths feet; bearing from K to K", sixty-two degrees, eleven minutes, and forty-seven seconds.

Arch Wharf.

Long Wharf.

Thence northerly to point L, which is at the southerly corner of Long Wharf, and is referred to points L' and L". Point L' is also on the same southerly corner of the said Long Wharf, and is marked by a copper tack through an iron plate on the capsill: distance from L to L', fifty-nine one-hundredths feet; bearing from L to L', one hundred and five degrees, forty-three minutes, and thirty-five seconds. Point L" is at the south-easterly corner of a brick building at the outer end of the said Long Wharf: distance from L to L", two hundred and eighteen and twenty-three one-hundredths feet; bearing from L to L", one hundred and seven degrees, fifty-seven minutes, and forty-eight seconds.

Thence northerly to point M, which is at the northerly corner of Long Wharf, and is referred to point L" before described, and also to point M' on the northerly corner of the said Long Wharf: distance from M to L", two hundred and fifty-nine and ninety-two one-hundredths feet; bearing from M to L", fifty-three degrees, forty-two minutes, and five seconds: distance from M to M', one and nine one-hundredths feet; bearing from M to M', fifty-two degrees and two minutes.

Union Wharf.

Thence northerly to point N, which is on the northerly corner of Union Wharf, and is referred to point N' on the same northerly corner of the said Union Wharf, and is marked by a copper tack through an iron plate on a three-inch thick false cap, which is spiked to the capsill of the wharf: distance from N to N', one and twenty-nine one-hundredths feet; bearing from N to N', twenty-six degrees, one minute, and five seconds.

Battery South Wharf.

Thence northerly to point O, which is at the southerly corner of Battery South Wharf, and is referred to point

O' on the same southerly corner of the said Battery Wharf, and is marked by a copper tack through an iron plate on the front capsill: distance from O to O', one and fifty-three one-hundredths feet; bearing from O to O', one hundred and seventy-nine degrees and twenty-nine minutes.

Thence northerly to point P, which is near the northerly corner of Battery South Wharf, and is referred to point P' on the planking at the same northerly corner of the said Battery South Wharf, and is marked by a copper tack through an iron plate: distance from P to P', two and eighty-two one-hundredths feet: bearing from P to P', sixty-four degrees, thirty-two minutes, and four seconds.

Thence northerly to point Q, which is at the southerly corner of Constitution Wharf, and is referred to point Q' on the same southerly corner of the said Constitution Wharf, and is marked by a nail through an iron plate: distance from Q to Q', five and fourteen one-hundredths feet: bearing from Q to Q', one hundred and thirty degrees and fifteen minutes.

Constitution
Wharf.

Thence northerly to point R, which is near the north-westerly corner of Constitution Wharf and about in the line of the westerly side thereof extended, and is referred to point R' on the planking near the same northerly corner of the said Constitution Wharf, and is marked by a copper tack through an iron plate: distance from R to R', one hundred and six and thirty-one one-hundredths feet; bearing from R to R', two hundred and eleven degrees, fifty-seven minutes, and forty seconds.

Thence north-westerly to point S, which is near the north-westerly corner of Fiske's Wharf and about in the line of the westerly side thereof extended, and is referred to point S' near the end of the said Fiske's Wharf, and is marked by a copper tack through an iron plate: distance from S to S', one hundred and thirty-eight and seventy-nine one-hundredths feet; bearing from S to S', one degree, forty-five minutes, and six seconds.

Fiske's Wharf.

Thence westerly to point T, which is near the north-westerly corner of Bartlett's South Wharf, and is referred to point T' near the outer angle in the northerly face of the said Bartlett's South Wharf, and is marked by a copper tack through an iron plate: point T is also referred to a point in the triangulation of eighteen hundred and seventy-seven and eighteen hundred and seventy-eight, called "Gray's Wharf," which is at the north-westerly

Bartlett's South
Wharf.

corner of a brick building on Gray's Wharf: distance from T to T', fifty-two and fourteen one-hundredths feet; bearing from T to T', two hundred and sixty-four degrees, fifty-eight minutes, and thirty-eight seconds: distance from "Gray's Wharf" to T', sixty-eight and forty-four one-hundredths feet; bearing from "Gray's Wharf" to T'. one hundred and ninety-two degrees, twenty-eight minutes, and forty-four seconds.

Bartlett's North Wharf.

Thence westerly to point U, which is at the westerly corner of Bartlett's North Wharf, and is referred to point U', which is on the easterly corner of the said Bartlett's North Wharf, and is marked by a nail through an iron plate on the planking of the wharf: distance from U to U', one hundred and eight and ten one-hundredths feet; bearing from U to U', two hundred and sixty-eight degrees, fifty-five minutes, and forty-three seconds.

Boston Gas Light Company's Wharf.

Thence westerly to point V, which is at the angle in the outer face of the wharf of the Boston Gas Light Company, about one hundred and eighty-seven feet from the easterly line of the last named company's land, and is referred to point V' on the sill of the easterly coal shed, and is marked by a copper tack through an iron plate: distance from V to V', thirty-four and eighty-two one-hundredths feet; bearing from V to V', three hundred and thirty-seven degrees and twenty-two seconds.

Thence westerly to point W, which is at the angle in the outer face of the wharf of the Boston Gas Light Company, next westerly from the angle at the point V last described, and is referred to point W' on the sill used as a guard on the west side of a passage way between two coal sheds on the said Gas Light Company's Wharf, and is marked by a copper tack through an iron plate: distance from W to W', forty-five and fifty-one one-hundredths feet; bearing from W to W', two hundred and ninety-four degrees, ten minutes, and twenty-three seconds.

Charles River Bridge.

Thence westerly to point X, which is at the westerly side of Charles River Bridge at its intersection with the wharf line, and is marked by a copper tack through an iron plate on the capsill outside of the sidewalk.

Warren Bridge.

Thence westerly to point Y, which is at the easterly side of Warren Bridge, about seventeen feet northerly from the outer face of Lovejoy's Wharf, and is marked by a copper tack through an iron plate on the capsill outside of the sidewalk.

Thence westerly to point Z, which is at the easterly side of the Boston and Maine Railroad Bridge, where it intersects the face of the wharf at the head of the dock, and is marked by a copper tack through an iron plate.

Boston and
Maine Railroad
Bridge.

Thence westerly to point A^a, which is at the easterly side of the Eastern Railroad Bridge, about one hundred and thirty-eight feet northerly from the head of the dock, and is marked by a copper tack through an iron plate, and is also referred to point A^v at the north-easterly corner of the Boston and Lowell passenger station, at the outer corner of the stone plinth of the buttress: distance from A^a to A^v, one hundred and thirty-eight and three one-hundredths feet; bearing from A^a to A^v, thirty-three degrees, forty-three minutes, and eight seconds. A^a is also referred to A^{vv}, which is at the westerly side of the Boston and Lowell Railroad passenger bridge at the intersection with the northerly face of the said Boston and Lowell freight bridge, and is marked by a copper tack through an iron plate on the capsill; said point A^{vv} being in the alignment of the harbor line between the points A^a and B^a.

Eastern Rail-
road Bridge.

Thence westerly to point B^a, which is at the northerly side of the Boston and Lowell freight bridge, where it begins to curve, and is marked by a copper tack, and is also referred to point B^v, which is on the same northerly side of the said Boston and Lowell freight bridge, and in the alignment of the harbor line between the points A^a and B^a produced, and is marked by a copper tack through an iron plate on the capsill: distance from B^a to B^v, thirty-six and eighteen one-hundredths feet; bearing from B^a to B^v, the same as line between points A^a and B^a.

Boston and
Lowell freight
bridge.

Thence westerly to point C^a, which is at the northerly side of Cragie's Bridge, about sixteen feet south-easterly from the old draw-pier, and is marked by a copper tack through an iron plate, and is also referred to point C^v, which is at the easterly corner of the stone step to a brick building at the intersection of the easterly side of Charles Street and the southerly side of Leverett Street: distance from C^a to C^v, two hundred and twenty-one and fifty-two one-hundredths feet; bearing from C^a to C^v, three hundred and twenty degrees, twenty-eight minutes, and nineteen seconds.

Cragie's Bridge.

Thence southerly to point D^a, which is at the northerly corner of the wharf between Poplar and Allen Streets, and is referred to points D^v and D^{vv}. Point D^v is on the

Wharf between
Poplar and
Allen Streets.

southerly side of the scale frame at the entrance from Charles Street to the Boston Gas Light Company's Wharf, and is marked by a copper tack through an iron plate: distance from D^a to D^v , two hundred and forty-eight and thirty-two one-hundredths feet; bearing from D^a to D^v , two hundred and fifty-nine degrees, nine minutes, and thirty-one seconds. Point $D^{v'}$ is at the corner of a brick building at the angle in the easterly side of Charles Street, about one hundred and twenty-two feet northerly from the northerly side of Poplar Street: distance from D^a to $D^{v'}$, three hundred and thirty-nine and five-tenths feet; bearing from D^a to $D^{v'}$, two hundred and fifty-seven degrees, fifty-four minutes, and thirty-five seconds.

West Boston
Bridge.

Thence southerly to point E^a , which is at the northerly side of West Boston Bridge at its intersection with the sea wall, and is marked by a copper tack through an iron plate on the cap outside of the brick sidewalk, and is also referred to points E^v and $E^{v'}$. Point E^v is at the north-easterly corner of the brick building on the south-westerly corner of Charles and Cambridge Streets: distance from E^a to E^v , one hundred and thirty-six and eleven one-hundredths feet; bearing from E^a to E^v , two hundred and ninety-seven degrees, eight minutes, and thirty-eight seconds. Point $E^{v'}$ is at the south-westerly corner of the jail yard fence, about eighty feet northerly from the south-westerly corner of a brick building on the north-easterly corner of Charles and Cambridge Streets: distance from E^a to $E^{v'}$, one hundred and eighty-eight and fifty-two one-hundredths feet; bearing from E^a to $E^{v'}$, two hundred and fifty-three degrees, twenty-three minutes, and twenty-two seconds.

Cambridge and
Charlestown.

West Boston
Bridge.

The line on the frontage of Cambridge and Charlestown begins at point A, at the northerly side of West Boston Bridge at its intersection with the face of the wharf, and is marked by a copper tack through an iron plate on the cap outside of the brick sidewalk.

Cragie's Bridge.

Thence north-easterly to point B, which is on the southerly side of Cragie's Bridge at its intersection with the face of the wharf, and is marked by a copper tack through an iron plate on the cap outside of the sidewalk, and is referred to point B' , which is at the south-easterly corner of the Boston and Lowell machine shop: distance from B to B' , seventy-three and thirty-nine one-hundredths feet; bearing from B to B' , two hundred and twenty-four degrees, forty-six minutes, and nineteen seconds.

Thence north-easterly to point C, at the southerly side of the Boston and Lowell Railroad passenger bridge at its intersection with the face of the wharf, and is marked on the capsill of the bridge by a copper tack through an iron plate.

Boston and Lowell passenger bridge.

Thence easterly to point D, which is at the westerly side of Warren Bridge, about sixty-six feet southerly from the outer face of the wharf on the same westerly side of the said Warren Bridge, and is marked by a copper tack through an iron plate.

Warren Bridge.

Thence easterly to point E, which is at the easterly side of Charles River Bridge, about eighty feet southerly from the outer face of Tudor's Wharf, on the same easterly side of the said Charles River Bridge, and is marked by a copper tack through an iron plate.

Charles River Bridge.

Thence north-easterly to point F, which is about eighty feet south-easterly from the south-westerly corner of Hittinger's Wharf, and nearly in the alignment of the westerly side of said Hittinger's Wharf produced, and is referred to point E: distance from point F to point E, three hundred and seventy-nine feet; bearing from point F to point E is fifty-nine degrees, six minutes, and twenty-seven seconds.

Hittinger's Wharf.

Thence north-easterly to point G, which is at the south-westerly corner of the Navy Yard Shears Wharf, and is referred to point G', which is near the same south-westerly corner of the said Navy Yard Shears Wharf, and is marked by a copper tack through an iron plate: distance from G to G', one and forty one-hundredths feet; bearing from G to G', one hundred and fifty degrees and thirty-five minutes.

Navy Yard Shears Wharf.

SECTION 3. Maps showing the lines hereby established, and a book or books containing proper descriptive data for determining their location, shall be kept in the office of the harbor and land commissioners, and the public shall have a right to examine the same.

Map of lines to be kept in office of harbor and land commissioners.

SECTION 4. All harbor lines heretofore established upon any part of the harbor frontage covered by this act are hereby superseded by the harbor lines established by this act.

Lines heretofore established are superseded.

SECTION 5. This act shall take effect upon its passage.

Approved April 6, 1880.

[1875, 165.]

Chap. 171 AN ACT to amend Chapter One Hundred and Sixty-five of the Acts of the Year Eighteen Hundred and Seventy-five, relating to a further Supply of Water for the City of Cambridge.

Be it enacted, etc., as follows:

Authority of
Cambridge to
take land
around margin
of Spy Pond,
repealed.

Proviso.

SECTION 1. So much of chapter one hundred and sixty-five of the acts of the year eighteen hundred and seventy-five as authorizes the city of Cambridge to take such land around the margin of Spy Pond, not exceeding five rods in width, as may be necessary for the preservation and purity of the water of said pond, is hereby repealed: *provided, however*, that this act shall not affect any right already accrued under any former taking of land upon the margin of said pond under said act; and *provided, further*, that this act shall not in any way affect any other provisions of the said act.

SECTION 2. This act shall take effect upon its passage.

Approved April 7, 1880.

[1878, 113, 227.]

Chap. 172 AN ACT to authorize the Springfield and North Eastern Railroad Company to sell and convey its Railroad Property and Franchise to the Boston and Albany Railroad Company.

Be it enacted, etc., as follows:

Boston and
Albany Rail-
road Company
may purchase
the Springfield
and North East-
ern Railroad.

No discrimina-
tion to be made
in charges for
freight or pas-
sengers.

SECTION 1. The Springfield and North Eastern Railroad Company is hereby authorized to sell, convey and transfer to the Boston and Albany Railroad Company the railroad and all the property, rights, privileges and franchises of the said Springfield and North Eastern Railroad Company, and said Boston and Albany Railroad Company is hereby authorized to purchase, receive, hold, operate, use and enjoy said railroad and all said property, rights, privileges and franchises, upon such terms and conditions as shall at any time within one year from the passage of this act be agreed upon by the directors of each of said corporations and approved by a majority in interest of the stockholders of each of said corporations present and voting at meetings duly called for that purpose: *provided*, that the said Boston and Albany Railroad Company shall extend to all railroads connecting now or hereafter with the said Springfield and North Eastern Railroad, the same rate per ton, or per passenger, per mile, over said road, also over their own road, as the said Boston and Albany Railroad Company charges upon its own traffic of the same

character; and give the same facilities, conveniences, and prompt dispatch to all freight and passengers to or from connecting roads, over the said Springfield and North Eastern Railroad, as it does to its own traffic of the same character.

SECTION 2. This act shall take effect upon its passage.

Approved April 7, 1880.

AN ACT to incorporate the James Otis Savings Bank.

Chap. 173

Be it enacted, etc., as follows:

SECTION 1. Joseph M. Day, Freeman H. Lothrop, Frank B. Goss, Gorham Hallet, Ansel D. Lothrop, Samuel Snow and Gustavus A. Hinckley, of Barnstable, Charles B. Hall, Charles H. Burgess, Samuel Fessenden and Isaiah T. Jones, of Sandwich, James E. Gifford, Silas Hatch and Silas F. Swift, of Falmouth, Thomas P. Howes of Dennis and Winthrop Sears of Yarmouth, their associates and successors, are hereby made a corporation by the name of the James Otis Savings Bank, to be located in the town and village of Barnstable; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in the general laws which now are or may hereafter be in force relating to institutions for savings.

Corporators.

Name.

Powers and duties.

SECTION 2. This act shall take effect upon its passage.

Approved April 7, 1880.

AN ACT to incorporate the Trustees of the City Hospital of the City of Boston.

Chap. 174

Be it enacted, etc., as follows:

SECTION 1. The trustees of the City Hospital of the city of Boston for the time being are hereby made a corporation by the name of the Trustees of the City Hospital of the city of Boston; and said trustees and their successors in office shall continue a body corporate for the purposes hereinafter set forth, with all the powers and privileges, and subject to all the duties, restrictions and liabilities in the general laws relating to such corporations.

Trustees of the City Hospital of the city of Boston, incorporated.

SECTION 2. Said corporation shall have authority to take and hold real and personal estate to an amount not exceeding one million dollars, which may be given, granted, bequeathed or devised to it, and accepted by the trustees

May hold real and personal estate not exceeding \$1,000,000.

Money to be
invested by the
city treasurer.

Proviso.

Trustees to be
seven in
number.

Appointment of
trustees.

Subject to
removal from
office for cause.

Organization of
board.

for the benefit of the City Hospital of the city of Boston or any purpose connected therewith. Money received by it shall be invested by the treasurer of the city of Boston under the direction of the finance committee of said city; and all securities belonging to said corporation shall be placed in the custody of said treasurer: *provided*, always, that both the principal and income thereof shall be appropriated according to the terms of the donation, devise or bequest, under the direction of said corporation.

SECTION 3. The trustees of the City Hospital shall be seven in number. In the month of April in the year eighteen hundred and eighty, and annually thereafter in the month of January, the city council shall elect, by concurrent vote of the two branches, one member of the board of aldermen, and one member of the common council, to be members of said board of trustees, to hold office during the remainder of the municipal year in which they are elected and until others are elected in their places. And in the month of April in the year eighteen hundred and eighty the mayor shall appoint, subject to the confirmation of the city council, five citizens of Boston, not members of the city council, to be members of the board of trustees of the City Hospital, one of whom shall hold office for five years, one for four years, one for three years, and one for two years and one for one year; and upon such election, and such appointment and confirmation, the terms of office of the trustees of the City Hospital then holding office shall cease and determine. And annually thereafter in the month of April in each year the mayor shall appoint, subject to the confirmation of the city council, one citizen at large as a trustee of the City Hospital to serve for a term of five years from the first Monday in May in the year in which he shall be appointed. The trustees shall at all times be subject to removal from office for cause, by a vote of two-thirds of each branch of the city council present and voting thereon. Whenever any vacancy shall occur in said board of trustees by death, resignation or otherwise, said vacancy shall be filled by the election or appointment, in the manner aforesaid, of another trustee, who shall hold office for the residue of the unexpired term. No member of said board of trustees shall receive any pecuniary compensation for his services.

SECTION 4. The members of said board shall meet for

organization annually on the first Monday of May and choose one of their number as president. They shall have power to make such rules and regulations relating to said City Hospital, and its officers and servants, and to fix and enforce penalties for the violation of such rules and regulations, as they may deem expedient: *provided*, that the same shall not be inconsistent with the provisions of this act, and shall be subject at all times to such limitations, restrictions and amendments as the city council may direct.

Proviso.

SECTION 5. The said trustees shall, subject to the direction of the city council, by ordinance or otherwise, have the general care and control of the City Hospital and of all branches thereof, which have been or which may hereafter be established, together with the buildings and rooms containing the same, and the fixtures and furniture connected therewith, and also of the expenditures of the money appropriated therefor.

Trustees to have general care and control of hospital.

SECTION 6. The said board of trustees may appoint a superintendent with such assistants and subordinate officers as they may think necessary or expedient, and may remove the same, and fix their compensation: *provided*, that the amount thus paid shall not exceed the sum appropriated by the city council for that item of expense, and the income of any moneys which may lawfully be appropriated for the same purpose from funds or property held by said trustees under the provisions of this act.

May appoint superintendent and assistants and fix their compensation.

Proviso.

SECTION 7. The city council shall have power to pass such ordinances, not inconsistent herewith or repugnant to other laws of the Commonwealth, as to the duties and authority of said board as they may from time to time deem expedient.

City may regulate by ordinance the duties and authority of the board.

SECTION 8. This act shall take effect upon its passage.

Approved April 7, 1880.

AN ACT to incorporate the Amherst Water Company.

Chap. 179

Be it enacted, etc., as follows:

SECTION 1. W. S. Clark, D. W. Palmer, L. D. Hills, W. S. Tyler, P. E. Irish, H. F. Hills, S. C. Carter, E. F. Cook, J. H. Seelye and W. A. Dickinson, their associates and successors, are hereby made a corporation by the name of the Amherst Water Company, for the purpose of furnishing the inhabitants of Amherst with pure water for the extinguishment of fires, domestic and other purposes, with all the powers and privileges, and subject to all the duties,

Corporators.

Name and purpose.

Powers and duties.

restrictions and liabilities set forth in all general laws which now are or hereafter may be in force applicable to such corporations.

May convey into the town of Amherst the water of Amethyst Brook of Pelham.

SECTION 2. Said corporation may take, hold and convey into and through the town of Amherst or any part thereof, the water of what is known as the Amethyst Brook, formerly Valley, situated in the town of Pelham; and may take and hold by purchase or otherwise any real estate necessary for the preservation and purity of the same, or for forming any dams or reservoirs, and for laying and maintaining aqueducts and pipes for distributing the waters so taken and held; and may lay its water pipes through any private lands, with the right to enter upon the same, and dig therein for the purpose of making all necessary repairs; and for the purposes aforesaid may carry its pipes under or over any water course, street, railroad, highway or other way, in such manner as not to obstruct the same; and may, under the direction of the board of selectmen, enter upon and dig up any road or other way for the purpose of laying or repairing its aqueducts, pipes or other works; and in general may do any other acts and things convenient or proper for carrying out the purposes of this act.

May lay water pipes through private lands.

May dig up roads under direction of selectmen.

To file in registry of deeds a description of the land taken.

SECTION 3. Said corporation shall, within sixty days after the taking of any land under the provisions of this act, file in the registry of deeds of the county of Hampshire a description of any land so taken, sufficiently accurate for identification, and state the purposes for which it is so taken; and the title of land so taken shall vest in said corporation. Any person injured in any way by any acts of said corporation, and failing to agree with said corporation as to the amount of damages, may have the same assessed and determined in the manner provided when land is taken for highways; but no application shall be made to the county commissioners for the assessment of damages for the taking of water rights until the water is actually taken or diverted by said corporation, nor after three years from the time the water is actually so taken or diverted; and no suit for injury done under this act shall be brought after two years from the alleged date of the injury.

May establish water rates and collect the same.

SECTION 4. Said corporation may distribute the water through said Amherst, may establish and fix from time to time the rates for the use of said water and collect the

same; and may make such contracts with the town of Amherst, or any fire district that may hereafter be established, or with individuals, to supply water for fire or for other purposes, as may be agreed upon by said town, or such fire district, or individuals and said corporation. It may also distribute water through that part of Pelham known as West Pelham, and shall have the same rights and powers in and for that locality that are granted it by the other sections of this act in and for the said town of Amherst.

May distribute water through West Pelham.

SECTION 5. Said corporation for the purposes set forth in this act may hold real and personal property not exceeding twenty thousand dollars in value; and the whole capital stock shall not exceed seventy-five thousand dollars to be divided into shares of one hundred dollars each; and said corporation may at any time issue bonds to an amount equal to the capital stock actually paid in.

Real and personal property not to exceed \$20,000.

Capital stock and shares.

SECTION 6. If any person shall use any of said water taken under this act, without the consent of said corporation, or shall wantonly or maliciously divert the water or any part thereof so taken, or corrupt the same, or render it impure, or destroy or injure any dam, aqueduct, pipe, conduit, hydrant, machinery or other works or property held, owned or used by said corporation under the authority of and for the purposes of this act, he shall forfeit and pay to said corporation three times the amount assessed therefor, to be recovered in an action of tort; and on conviction of either of the wanton or malicious acts aforesaid may be punished by a fine not exceeding three hundred dollars or by imprisonment in jail not exceeding one year.

Penalty for diverting water or rendering it impure.

SECTION 7. The town of Amherst shall have the right at any time within three years after the charter hereby granted takes effect, to purchase the corporate property and all the rights and privileges of said company at the actual cost of the same, together with interest at a rate not exceeding seven per cent. per annum, said cost to include all actual loss or damage paid or suffered by said company for injury to person or property, deducting from said cost any and all dividends which may have been paid by said corporation, or at such a price as may be mutually agreed upon between said corporation and the town of Amherst; and the said corporation is authorized to make a sale of the same; and this authority to purchase said franchise and property is granted on condition that the

Town of Amherst may purchase franchise and property.

same is assented to by said town by a two-thirds vote of the voters present and voting thereon, at any annual meeting or at a legal meeting called for that purpose; and the question of such purchase shall not be presented to said town more than twice in any one year.

Subject to a vote of the town.

SECTION 8. This act shall take effect upon its passage.

Approved April 7, 1880.

Chap. 190

AN ACT to ratify the Election of Town Officers in Shelburne.

Be it enacted, etc., as follows:

Election of town officers ratified.

SECTION 1. The election of town officers in the town of Shelburne made at the annual town meeting held in that town on the first day of March in the current year, so far as the said election may be illegal for the reason that the check list was not used in said election, is ratified and confirmed, and the same shall be taken and deemed to be good and valid in law to all intents and purposes whatsoever.

SECTION 2. This act shall take effect upon its passage.

Approved April 9, 1880.

Chap. 191

AN ACT to supply the Town of Marlborough with Pure Water.

[Rejected March 12, 1880.]

Chap. 192

AN ACT to authorize the Town of Stoneham to pay a Certain Bounty to Henry W. Green for Service in the Late War as part of the Quota of said Town.

Be it enacted, etc., as follows:

May pay a soldier's bounty to Henry W. Green.

SECTION 1. The town of Stoneham is hereby authorized to raise money and pay to Henry W. Green the sum of one hundred dollars as a bounty for service in the late war as a part of the quota of said town, provided, that the said town shall not be reimbursed by the Commonwealth for the money so paid under this act.

SECTION 2. This act shall take effect upon its passage.

Approved April 13, 1880.

Chap. 195

AN ACT to incorporate the Lynn Workingmen's Aid Association.

Be it enacted, etc., as follows:

Corporators.

SECTION 1. John M. Berry, William H. Gove, Charles R. Tandy, William C. Lamphier, Preston Parker, their associates and successors, are hereby made a corporation by the name of the Lynn Workingmen's Aid Association,

Name and purpose.

in the city of Lynn, to purchase and hold real estate in said city, to improve the same for homes to be owned by working people and others, and to sell houses and lots, payable at cost on instalments to persons who shall occupy the same under its rules; with all the liabilities, duties and restrictions set forth in all general laws which now are or may hereafter be in force relating to such corporations.

Duties and liabilities.

SECTION 2. Said corporation is authorized to receive from the trustees, under the grant of John M. Berry, a conveyance of the real estate granted by said Berry "in trust to the use of the Lynn Workingmen's Aid Association, when the same shall be duly organized and incorporated in said Lynn," and to apply the said real estate to the purposes aforesaid.

May receive from trustees under grant of John M. Berry, a conveyance of real estate.

SECTION 3. Said corporation may hold real and personal estate for the purpose aforesaid not exceeding fifty thousand dollars in value, and it may receive and hold in trust, or otherwise, funds received by gift or bequest to be by it devoted to such purposes.

Real and personal estate not exceeding \$50,000.

SECTION 4. Any person residing in Lynn over twenty-one years of age, and of good moral character, may become a member of said association upon making application to the officers of the same, and paying an admission fee not to exceed ten dollars.

Qualifications for membership.

SECTION 5. No shares shall be issued in said corporation, but each member shall have an equal vote at its general meetings. No member of said association shall directly or indirectly derive any pecuniary profit from said association, provided that every member shall have an equal opportunity at each meeting he attends to buy a house and lot whenever a house is constructed by the association, and shall have the preference for such privilege over those not members of said association. In case any member receives the privilege of buying a house and lot of said association, the amount of his admission fee shall be returned to him, and he shall cease to be a member, and cannot again become such until he has paid for said house and lot in full, or has given up his privilege and a full settlement has been made between him and the association.

Shares not to be issued.

Each member to have an equal vote.

Privilege of buying a house and lot.

SECTION 6. No assessment shall be laid upon the members of said association to exceed one dollar and twenty cents per annum.

Assessments not to exceed \$1.20 per annum.

Purchases not to be made by the association upon credit.

SECTION 7. No purchase shall be made by said association upon credit, and all the business of said association shall be done for cash so far as practicable. No title shall be given by said association to any real estate sold by it until full payment has been received for the same.

House and lot not to exceed in cost eight hundred dollars.

SECTION 8. Said association shall not provide any house and lot costing over eight hundred dollars; and no house and lot costing over three hundred dollars shall be sold so long as any member is ready to take one costing less than that sum, and to make the requisite payments to buy the same. Any person buying a house and lot worth more than three hundred dollars of said association shall pay ten per centum of its cost at the time of receiving the privilege of buying it.

To be paid for in monthly instalments.

SECTION 9. All houses shall be sold by said association to be paid for, except as provided in the preceding section, in equal monthly instalments, for a term not exceeding five years. Any person who shall receive the privilege of buying a house and lot from said association, upon paying the first instalment due upon said house and lot, shall have the right to occupy the same without payment of rent or interest so long as he shall continue to pay the instalments when due. If any such person fail to pay any instalment when due, he shall immediately vacate the house and lot and surrender the same to said association; and when any house and lot shall be so surrendered, the association shall pay the person surrendering the same an equitable compensation for what he has invested upon said house and lot. In case of any dispute as to the amount of such compensation, said house and lot shall be sold at auction, and after deducting the unpaid instalments due, expenses of sale, and any other expenses which said association has necessarily incurred on account of said house and lot, the balance, if any, shall be paid to the person surrendering the said house and lot.

In case of dispute, house to be sold at auction.

Returns to be made to the board of state charities.

SECTION 10. Said corporation shall make a return annually to the board of state charities of the amount of capital belonging to it, of the amount invested in lands and buildings, and of all expenses incurred in the management thereof, and of all receipts from payments of instalments and from other sources.

SECTION 11. This act shall take effect upon its passage.

Approved April 15, 1880.

[Accepted January 3, 1881.]

AN ACT to authorize the Town of South Abington to establish a Public Park. *Chap. 201*

Be it enacted, etc, as follows:

SECTION 1. The town of South Abington may at any time within one year from the passage of this act accept the gift and take possession, for the purpose of a public park, of the lot of land situated in said South Abington as offered to the inhabitants of said town by Augustus Whitman; which said lot is bounded and described as follows, to wit:—Beginning at a stone monument at the north-west corner of the lot on the south side of Essex Street and three hundred and sixty feet easterly from the corner of Essex Street and Washington Street, thence running southerly in a straight line to the north-east corner of land of William R. Vining about three hundred and sixty-eight feet, thence southerly by lands of said Vining and Loring Holbrook about one hundred and forty feet, thence easterly by lands of Miller Cook, junior, Bela Alden and heirs of Samuel N. Dyer, deceased, about five hundred and forty-three feet, thence northerly by land of said heirs about one hundred and four feet, thence easterly by land of the said heirs about five hundred and fifty-three feet, thence northerly by land of Lyman R. Blake about four hundred and thirty-four feet to Arlington Street, thence westerly by said street three hundred and thirty-nine feet to Essex Street, thence westerly by Essex Street about eight hundred and fifty feet to the point of beginning.

Town may accept gift of land offered by Augustus Whitman for a public park.

Boundaries.

SECTION 2. Said town shall within one year from the time it receives a deed of said land file in the office of the registry of deeds for the county of Plymouth a description of the land so taken and a statement that the same is taken pursuant to the provisions of this act, which description and statement shall be signed by the chairman of the committee on parks appointed by said town, and the title of all lands so taken shall vest in the town of South Abington.

To file in the registry of deeds a description of the land so taken.

SECTION 3. Said town may raise, appropriate and expend such sums of money as may be deemed best for the improvement of said park, subject to the laws limiting municipal indebtedness.

May raise money for improvement of park.

SECTION 4. All the votes passed by said town at its last annual town meeting in relation to said park are hereby confirmed.

Votes of town confirmed.

SECTION 5. Said town shall forever keep open and

To be kept a

public park forever. maintain as a public park all lands taken under this act.

SECTION 6. This act shall take effect upon its passage.

Approved April 17, 1880.

Chap. 202 AN ACT to incorporate the Trustees of the Thomas Crane Public Library of the Town of Quincy.

Be it enacted, etc., as follows :

Trustees of the Thomas Crane Public Library, incorporated.

SECTION 1. The trustees of the public library of the town of Quincy for the time being are hereby made a corporation by the name of the trustees of the Thomas Crane Public Library of the town of Quincy, and said trustees and their successors in office shall continue a body corporate for the purposes hereinafter set forth, with all the powers and privileges, and subject to all the duties, restrictions and liabilities in the general laws relating to such corporations.

Powers and duties.

Real and personal estate not to exceed \$100,000.

SECTION 2. Said corporation shall have authority to take and hold real and personal estate to an amount not exceeding one hundred thousand dollars, which may be given, granted, conveyed, bequeathed or devised to it and accepted by the trustees for the benefit of the public library of said town of Quincy or for any purpose connected therewith: *provided*, that both the principal and income thereof shall be appropriated according to the terms of the donation, devise or bequest under the direction of said corporation.

Proviso.

Trustees to be six in number.

SECTION 3. The trustees of said Thomas Crane Public Library shall be six in number. The present trustees shall continue in office for the terms for which they were elected trustees of the public library by the inhabitants of said town. At the next annual town meeting the said inhabitants shall elect by ballot two trustees of said Thomas Crane Public Library who shall hold office for the term of three years and until their successors are chosen; and thereafter annually there shall be elected in the same manner two trustees for a like period of three years. Whenever a vacancy shall occur in said board of trustees by death, resignation or otherwise, the remaining trustees shall fill such vacancy by the election of a new member, and the trustee so chosen shall act until the next annual town meeting when his successor shall be elected for the unexpired term by the said inhabitants by ballot.

Two trustees to be elected.

By-laws for

SECTION 4. The members of said board shall organize

and provide by means of by-laws for the choice of officers, and shall have power to make such rules and regulations relating to such public library and to fix and enforce penalties for the violations of such rules and regulations as they may deem expedient: *provided*, that the same shall not be inconsistent with the provisions of this act, and shall be subject at all times to such limitations, restrictions and amendments as the inhabitants of said town may direct.

choice of officers, etc.

Rules and penalties.

Proviso.

SECTION 5. The said trustees shall have the general care and control of the public library and the grounds upon which the same is now or may hereafter be located in said Quincy together with the buildings and rooms containing the same, and also of the expenditures of the moneys appropriated therefor by said town; and said town is hereby authorized to make such appropriations to the same extent that cities and towns are authorized by law to make appropriations for like purposes. Said trustees may appoint a librarian with such assistants as they may think expedient and may remove the same, and fix their compensation: *provided*, that the total expenditures shall not exceed the amounts appropriated by the said town and other moneys which they may be authorized to expend.

Trustees to have control of library.

Town may make appropriations.

Librarian and assistants.

SECTION 6. The inhabitants of said town shall have power to pass such ordinances not inconsistent herewith or repugnant to the other laws of the Commonwealth as to the duties and authority of said board as they may from time to time deem expedient.

Duties of board may be regulated by ordinance.

SECTION 7. This act shall take effect upon its passage.

Approved April 17, 1880.

AN ACT to supply the City of Gloucester with Pure Water.

[Rejected October 12, 1880.]

Chap. 203

AN ACT to annex a Part of the Town of Belmont to the City of Cambridge.

Chap. 204

Be it enacted, etc., as follows:

SECTION 1. All that part of the town of Belmont contained within the line described as follows:—beginning at a point where the dividing line between Cambridge and Belmont intersects the dividing line between Belmont and Watertown; thence running in a north-westerly direction on said dividing line between Belmont and Watertown one thousand nine hundred and ninety-five feet; thence turning and running in a northerly direction about four

Part of town of Belmont annexed to the city of Cambridge.

thousand three hundred and fifty feet to the north-westerly side of Washington Street at a point five hundred and ninety feet easterly of the easterly line of Grove Street, produced, as measured on said line of Washington Street; thence turning and running northerly on the westerly side of Washington Street to Concord Avenue; thence running in the same northerly direction on the westerly side of Brighton Street to the northerly side of Wellington Brook; thence turning and running in a north-easterly direction in a straight line to the point where the said line of Wellington Brook strikes the location of the Fitchburg Railroad Company on the westerly side of the culvert; thence turning and running a little more northerly about two thousand two hundred and sixty feet to a point in the dividing line between Belmont and Arlington, which is two thousand seven hundred and thirty feet as measured on said last dividing line from the town bound at the junction of Alewife Brook and Little River; thence turning and running south-easterly on said last dividing line to the town bound last above mentioned; thence turning and running in a general westerly and southerly direction on the present dividing line between Cambridge and Belmont to the point of beginning,—excepting and excluding however such portion of the above described territory as is included within the present fences of the town cemetery,—with all the inhabitants and estates therein, is hereby set off from the town of Belmont and annexed to the city of Cambridge, and until a new division of wards in said city shall be and constitute a part of the first ward thereof.

Taxes to be assessed and collected as though act had not been passed.

SECTION 2. The inhabitants and estates within the territory hereby set off and the owners of such estates shall be holden to pay all taxes assessed and in arrears to the same persons, and such taxes may be collected in the same manner as if this act had not been passed; and until the next state valuation the city of Cambridge shall annually in the month of November pay to the town of Belmont three-twentieths of all state and county taxes that shall be assessed upon Belmont.

Settlement of paupers.

SECTION 3. All paupers who have gained a settlement in the said town of Belmont by a settlement gained or derived within said territory shall be relieved or supported by the city of Cambridge in the same manner as if they had a legal settlement in Cambridge.

Election of

SECTION 4. The inhabitants of the territory hereby set

off shall continue to be a part of Belmont for the purpose of electing state and county officers, members of the executive council, senators and representatives to the general court, electors of president and vice-president of the United States, and representative to congress, until the next decennial census or until another apportionment is made; and the mayor and aldermen of Cambridge shall make a true list of the persons residing in said district qualified to vote in such elections, post up the same in said territory, correct the same as required by law, and deliver the same to the selectmen of the town of Belmont seven days at least before any such election; and the same shall be used by the selectmen of Belmont for such elections in the same manner as if it had been prepared by the said selectmen.

county, state
and national
officers.

SECTION 5. The power to alter, straighten, widen, repair and grade all county and town ways existing in the territory hereby annexed, shall be vested in the city council of Cambridge.

Highways.

SECTION 6. The town of Belmont shall have the right to connect any of its public sewers with any sewer constructed by the city of Cambridge within the territory hereby annexed, upon first paying to said city a just compensation therefor, to be determined, after due notice and hearing, by the county commissioners of the county of Middlesex: *provided*, that any such connection shall be made under the direction of said city, and the use of any sewer thus connected shall be subject to such reasonable rules and regulations, except as to assessments, as may be made by the city council of said city.

Public sewers.

Provided.

SECTION 7. The city of Cambridge shall pay to the town of Belmont the fair market value of the town schoolhouse, with the land connected therewith as a school yard, situated within the territory hereby annexed, and said city shall also take the town schoolhouse building nearest to said territory. If the said city and town cannot agree upon the sum to be paid therefor, the damages shall be determined and paid in the manner provided by law in the case of land taken for highways.

City of
Cambridge
to pay Belmont
for schoolhouse.

SECTION 8. This act shall take effect upon its passage.

Approved April 19, 1880.

[B. & M., 1876, 7. Eastern, 1876, 236.]

Chap. 205**AN ACT in Relation to the Leasing of Railroads.***Be it enacted, etc., as follows :*

Roads to be deemed connecting, etc., when one road connects, etc., with a road leased to the other.

Eastern and Boston and Maine, may make such contract, etc., with each other for the operation of their roads as may be agreed upon.

Facilities for travel and business not to be diminished.

Lease or contract not to exceed ninety-nine years.

SECTION 1. The roads of two railroads shall be deemed to enter upon each other, connect or intersect within the meaning of section one hundred and seventy of chapter three hundred and seventy-two of the acts of the year eighteen hundred and seventy-four, if one of such roads enters upon, connects with, or intersects a road leased to the other railroad, or operated by it under a contract as authorized by said section. But the Eastern Railroad Company and the Boston and Maine Railroad may make with each other such contract or lease for the operation of their roads for such period of time as the directors of said companies may agree to, and as shall be approved by a majority in interest of the stockholders of each company at meetings called for that purpose: *provided*, that the facilities for travel and business on either of the roads of the said companies shall not be diminished; and *provided, further*, that the income arising from such contract or lease shall be subject to the provisions of law in regard to the right of the state to purchase the said roads, or reduce their tolls in the same manner as that arising from the use of the roads.

SECTION 2. No railroad corporation shall lease or contract for the operation of its road for a period of more than ninety-nine years without the consent of the legislature: *provided*, that this act shall not apply to any corporation whose stock holders have already acted or voted upon a lease.

SECTION 3. This act shall take effect on the first day of July next.

Approved April 21, 1880.

[1871, 246; 1872, 147.]

Chap. 206 AN ACT to dissolve the Ashburnham Savings Bank and the Jamaica Plain Savings Bank.*Be it enacted, etc., as follows :*

Charters dissolved.

SECTION 1. The Ashburnham Savings Bank, chartered by chapter two hundred and forty-six of the acts of the year eighteen hundred and seventy-one, and the Jamaica Plain Savings Bank, chartered by chapter one hundred and forty-seven of the acts of the year eighteen hundred and seventy-two, are hereby dissolved, subject to the pro-

visions of sections thirty-six and thirty-seven of chapter sixty-eight of the General Statutes.

SECTION 2. Any unclaimed moneys or dividends remaining in said banks two years after the passage of this act shall be deposited with the treasurer and receiver-general of the Commonwealth, with a schedule of the names and residences, so far as known, of the parties entitled thereto; and said treasurer shall receive and hold the same in trust for such parties and their representatives; and said treasurer shall pay over the same to the parties entitled thereto, upon proper demand made therefor, upon being furnished with evidence satisfactory to him of the identity of the claimant and the justice of the claim.

Moneys remaining in banks two years to be deposited with state treasurer.

Treasurer to pay over moneys to parties entitled.

SECTION 3. This act shall take effect upon its passage.

Approved April 22, 1880.

AN ACT to enable the Town of Northampton to appropriate certain Water Courses for the Purposes of Sewerage.

Chap. 207

Be it enacted, etc., as follows:

SECTION 1. The selectmen of the town of Northampton may use and appropriate, for the purposes of sewerage and drainage, the whole or any parts of the water courses within said town known as King Street Brook and Market Street Brook and their tributaries, and the extension of said brooks to their union with Mill River near the point where Pleasant Street crosses the Connecticut River Railroad; and said selectmen may alter, change, widen, straighten and deepen the channels of said brooks, and may remove obstructions therefrom, and may cover said brooks, and pave and enclose them in retaining walls, and may divert the waters of said brooks into new courses, or divert the same into town sewers and main drains which may be built; but the authority aforesaid shall only be had and exercised in accordance with such a system of sewerage as the town may adopt under the provisions of chapter two hundred and thirty-two of the acts of the year eighteen hundred and seventy-eight.

Selectmen may use King Street and Market Street Brooks for purposes of sewerage.

May widen and deepen channels.

SECTION 2. If in any system of sewerage which said town of Northampton may adopt under the provisions of chapter two hundred and thirty-two of the acts of the year eighteen hundred and seventy-eight, any brooks, water rights or interests in real estate belonging to any person are to be used and appropriated, the report and record of the system so adopted shall set forth substantially the

Report and record of system adopted under 1873, 282, to set forth the rights, etc., to be taken.

nature and extent of the water rights and interests in real estate so to be taken and appropriated under said system of sewerage.

Proceedings in taking land, and as to damages, shall be as provided in 1869, §111.

SECTION 3. When any water rights, lands or interest in lands are included in the general plan of sewerage which may be adopted by said town, the proceedings as to the taking and appropriating, and as to the damages incurred, shall be the same in all respects as is provided by chapter one hundred and eleven of the acts of the year eighteen hundred and sixty-nine. *Approved April 22, 1880.*

[1871, 16.]

Chap. 213

AN ACT to authorize the Town of Northampton to renew a Portion of its Water Bonds.

Be it enacted, etc., as follows:

May renew a portion of water bonds.

SECTION 1. The town of Northampton is hereby authorized to execute and issue new bonds, signed by its treasurer and countersigned by its selectmen, to be denominated Northampton Water Bonds, or promissory notes of the town in lieu of such bonds, to an amount not exceeding fifty thousand dollars, for the purpose of redeeming the fifty thousand dollars of its original water bonds falling due in eighteen hundred and eighty-one; and such bonds or notes shall be payable at periods not exceeding eighteen years from the date thereof, with interest semi-annually at a rate not exceeding five per cent. per annum.

May sell bonds at public or private sale.

And said town may sell or negotiate said bonds or notes at public or private sale upon such terms and conditions as it may deem proper, and may raise money by taxation to pay said bonds or notes and interest thereon when due; but said town shall not raise by taxation more than ten thousand dollars in any one year to pay the principal of said bonds or notes, except the year in which the same may become due.

Not to be relieved from obligations imposed by 1875, 209.

SECTION 2. Nothing in this act contained shall be construed to relieve the town of Northampton from the obligations imposed by chapter two hundred and nine of the acts of the year eighteen hundred and seventy-five, entitled "An Act to regulate and limit municipal indebtedness," and the acts in addition thereto and in amendment thereof.

SECTION 3. This act shall take effect upon its passage.

Approved April 22, 1880.

[1878, 210.]

AN ACT to amend "An Act authorizing the Vermont and Massachusetts Railroad Company to sell that part of its Railroad known as the Brattleborough Branch."

Chap. 214

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter two hundred and ten of the acts of the year eighteen hundred and seventy-eight is hereby amended by striking out the word "Erving," and inserting in place thereof the word "Montague."

Amendment to
1878, 210, § 1.

SECTION 2. This act shall take effect upon its passage.

Approved April 22, 1880.

AN ACT to confirm certain Acts of the Town of Dudley.

Chap. 215

Be it enacted, etc., as follows:

SECTION 1. The action of the town of Dudley at a meeting thereof held at the town hall in said Dudley on Monday the fifth day of April in the year eighteen hundred and eighty, in voting "To appropriate the sum of five hundred dollars for the removal of the brick building known as Academy Hall into line with the boarding-house of said Academy and Washington Hall, as desired by Hezekiah Conant and others," is hereby authorized, ratified and made valid.

Action of the
town confirmed.

SECTION 2. This act shall take effect upon its passage.

Approved April 22, 1880.

[1878, 114.]

AN ACT in Relation to the Public Library of the City of Boston.

Chap. 222

Be it enacted, etc., as follows:

SECTION 1. The city of Boston is hereby granted perpetual right to hold, occupy and control, free of rent or charge by the Commonwealth, for the purpose of erecting and maintaining thereon a building for the use of the public library of said city, a parcel of land now owned by the Commonwealth and situated in that part of said city called the Back Bay, on the southerly corner of Dartmouth and Boylston streets, bounded north-westerly by Boylston Street two hundred and sixty-four feet, north-easterly by Dartmouth Street one hundred and twenty-five feet, south-easterly by a private passage way twenty-five feet in width, two hundred and sixty-four feet, and south-westerly by other land of the Commonwealth one hundred and twenty-five feet, and containing thirty-three thousand square feet,

City may
occupy land in
Boston for pub-
lic library
building.

Boundaries.

Building and land to be under control of the trustees.

Conditions of grant.

All citizens of the state to have access to library.

Building to be erected within three years.

more or less, together with all the right, title and interest of the Commonwealth in that part of said passage way adjoining said parcel, and with such rights as the Commonwealth may possess to close the same. The said library building and land shall be under the care and control of the trustees of the public library of the city of Boston, under the provisions of chapter one hundred and fourteen of the acts of the year eighteen hundred and seventy-eight. This grant is made, however, subject to the following stipulations, namely:—the city of Boston shall within three years from the date of the passage of this act commence the erection of a library building on said parcel of land, and shall in respect to such erection be subject to the restrictions heretofore contained in other conveyances by the Commonwealth of its land upon Boylston Street, and shall thereafter appropriately lay out and cultivate such ground around it as may not be occupied by the building itself, and shall thereafter keep said grounds and building in a neat and ornamental condition; and that upon the opening of said library all the citizens of the Commonwealth shall have the perpetual right of access thereto, free of charge, under such reasonable regulations as said trustees may from time to time establish.

SECTION 2. In case the city of Boston shall after due notice given fail to commence the erection of the library building within three years, or shall use said land, or any portion thereof, for any purpose foreign to the uses for which it is granted, it shall be lawful for the Commonwealth, by its proper officers and servants, to take appropriate action in the courts of the Commonwealth, to the end that said parcel of land, or portion thereof, may be declared forfeited by the city of Boston, and the title therein be re-vested in the Commonwealth.

SECTION 3. This act shall take effect upon its passage.

Approved April 22, 1880.

Chap. 223

AN ACT to authorize the Transfer of Land on Back Bay to the State Board of Education for the Use of the State Normal Art School.

Be it enacted, etc., as follows:

Lot of land on Back Bay to be reserved from sale.

Description of land.

SECTION 1. The harbor and land commissioners shall reserve from sale, subject to the provisions of this act, the following described lot of land situated upon the Back Bay, so called, in the city of Boston, viz.:—

Beginning at a point on the southerly line of Newbury

Street and on the westerly line of Exeter Street, thence southerly and on the said westerly line of said street one hundred and twelve feet to a passage way sixteen feet wide; thence westerly on the northerly line of said passage way one hundred and thirty-nine feet; thence northerly and parallel to the course first described one hundred and twelve feet to the southerly line of Newbury Street aforesaid; thence easterly on said southerly line of said Newbury Street one hundred and thirty-nine feet to the point of beginning; containing fifteen thousand five hundred and sixty-eight square feet of land. Also all that part of said passage way sixteen feet wide that lies northerly of its centre line and between the easterly and westerly lines of said premises extended, reference being had to the plan recorded with Suffolk Deeds at the end of liber eight hundred and eighty-five.

SECTION 2. The board of education are hereby authorized to enter upon and occupy the lot of land reserved under the provisions of section one for the purpose of erecting a building for the use of the state normal art school as provided in section three, whenever money shall be subscribed and actually paid by private individuals sufficient to erect such building.

Building may be erected for normal art school, when money is obtained from private sources.

SECTION 3. Whenever within three years from the passage of this act the state board of education shall have erected upon said lot, without cost to the Commonwealth, a building suitable for the state normal art school, the plans for which shall conform to the restrictions contained in the deeds heretofore given by the Commonwealth to private purchasers of land on Newbury Street and Exeter Street, and shall have been approved by the governor and council, the said board of harbor and land commissioners shall convey the above described lot of land to the state board of education and its successors, in trust for the Commonwealth, for the use of the said state normal art school, but subject to the provisions of section two of chapter thirty-four of the General Statutes and all amendments thereto. But if said building shall not be completed ready for use within three years from the passage of this act said land shall thereafter be subject to sale in the same manner as if this act had not been passed.

If building is erected within three years, land to be conveyed to board of education.

Approved April 22, 1880.

[1871, 162; 1873, 168; 1874, 396.]

Chap. 224 AN ACT to revive the Charter of the Lee and Hudson Railroad Company.*Be it enacted, etc., as follows :*

Charter, etc.,
revived, and
time for loca-
tion extended.

SECTION 1. Chapter one hundred and sixty-two of the acts of the year eighteen hundred and seventy-one, chapter one hundred and sixty-eight of the acts of the year eighteen hundred and seventy-three, and chapter three hundred and ninety-five of the acts of the year eighteen hundred and seventy-four, are revived and continued in force; and the time for the location and construction of the road of the Lee and Hudson Railroad Company is extended for two years from the passage of this act.

Subject to
acceptance by
the acting
directors and
stockholders.

SECTION 2. This act shall take effect when it is accepted by a majority of the acting directors of the Lee and Hudson Railroad Company and by the persons recorded as stockholders thereof representing a majority of the stock, at a meeting called for the purpose, said vote to be taken within six months from the passage hereof; and all the rights, duties and obligations of said company and all contracts and liabilities made or incurred by it shall be revived, notwithstanding the provisions of law in regard to the limitation of actions or proceedings for the recovery of damages, and made valid against said company.

Duties and
liabilities..

Acts to be done
under pro-
visions of the
general railroad
law.

SECTION 3. All acts done under authority hereof shall be done in conformity with and subject to the provisions of the general railroad act of the year eighteen hundred and seventy-four and of all acts in amendment thereof, except as herein otherwise provided.

Approved April 22, 1880.

[1878, 243; 1879, 163.]

Chap. 225 AN ACT in Relation to Registration and Elections in the City of Boston.*Be it enacted, etc., as follows :*

Amendments to
1878, 243.

SECTION 1. Chapter two hundred and forty-three of the acts of the year eighteen hundred and seventy-eight is amended as follows :—

First, by striking out all of section six of said act, down to and including the word “precincts” in the fifth and sixth lines, substituting in place thereof the following :—
“The assessors of taxes of the city of Boston shall, on or before the fifteenth day of July in each year, cause street lists of the several voting precincts in said city to be

Lists of pre-
cincts to be
printed for
distribution.

printed and compiled in pamphlet form for public distribution. Said compilation shall be by precincts, separately, not exceeding fifty copies for each, arranged."

Second, by striking out section eight of said act.

Third, by substituting in place of section nine of said act the following:—"SECTION 9. All corrections of assessed names upon tax bills shall be made by the board of assessors, the registrars of voters, or assistant registrars, on a form of a certificate specially prepared for the purpose; and all tax bills so changed, together with the certificates, shall be stamped with an official stamp of the board making such change, before the person represented by such tax bill shall be allowed to register as a voter. All certificates of names so changed shall be sent to the collector of taxes, who shall as soon as may be, after the first day of January in each year, make corresponding changes or corrections on the list of assessed polls committed to him by the board of assessors. The collector shall also transmit said certificates to the board of assessors, who shall before the first day of March in each year make corresponding changes or corrections on the street books in their department."

Corrections of
assessed names
upon tax bills.

Fourth, by inserting in line one of section eleven of said act after the word "ward," the words "or precinct."

Fifth, by amending section fifteen so that it shall read as follows:—"If the registrars are not satisfied as to the identity or qualifications of an applicant for registration, they may make such examination of such applicant, under oath, as they may consider necessary or proper to verify the fact that he is possessed of the constitutional requirements of a voter; and said registrars, as soon after the second day of September in such year as may be necessary, shall hold evening sessions in or near each ward, for the performance of any and all the duties imposed upon them by the provisions of this act: *provided, however*, that they shall hold not less than ten evening sessions of not less than three hours' duration prior to the annual state and municipal elections. The collector of taxes shall assign a deputy to be present at all such meetings held before the annual state election for the collection of taxes. He shall also give public notice thereof by advertisements in at least two daily papers printed in Boston, one of which shall be an evening paper, and by a circular or card addressed to each person assessed for a poll tax only, and

Identity and
qualifications of
applicant for
registration.

delivered through the mail or otherwise. Said circulars or cards shall be delivered on or before the second day of September in each year. No tax bill for poll taxes only shall hereafter be distributed to or for the person assessed before payment thereof.

Precinct lists of voters to be posted.

SECTION 2. All requirements of law in regard to the preparation, publication, posting or use of ward lists in the city of Boston shall be held to be complied with by the employment, in each precinct, of precinct lists, of like description in all respects, of all the legal voters therein.

Amendments to 1877, 60, § 6.

SECTION 3. Section six of chapter sixty of the acts of the year eighteen hundred and seventy-four, as amended by section three of chapter two hundred and thirty-five of the acts of the year eighteen hundred and seventy-seven, is amended so as to read as follows:—"The registrars shall, at least twenty-four days before the day of the annual state election, cause printed lists of the voters in each precinct to be posted in one or more places in such precinct, with notices thereon stating the place and hours in which they or the assistant registrars for such precinct will hold sessions to correct and revise the lists. If the assistant registrars refuse to place the name of any person on the voting list he may appeal to the board of registrars of voters."

Amendments to 1876, 225.

SECTION 4. The provisions of chapter two hundred and twenty-five of the acts of the year eighteen hundred and seventy-six are, as far as they relate to the city of Boston, extended to the voting precincts therein in place of the wards.

Election to fill vacancy in the board of aldermen.

SECTION 5. Whenever there is a vacancy in the board of aldermen or common council in the city of Boston, by failure to elect, removal from the city, death, resignation or otherwise, it shall be the duty of said board of aldermen to issue their warrant in due form for an election to fill such vacancy, at such time and place as they may deem advisable; but in case of a vacancy in the common council such warrant shall not be issued until the board of aldermen receive official notice of such vacancy.

Repeal of 1854, 448, §§ 21, 22, 23, 25.

SECTION 6. Sections twenty-one, twenty-two, twenty-three and twenty-five of chapter four hundred and forty-eight of the acts of the year eighteen hundred and fifty-four, and all acts and parts of acts inconsistent with this act are hereby repealed.

Approved April 22, 1880.

[1881, 221, 291.]

AN ACT concerning the Care of Abandoned and Abused Children.

Chap. 231

Be it enacted, etc., as follows:

The Hampden County Children's Aid Association shall have the same rights, privileges and authority relating to the guardianship, custody and control of minor children residing in Hampden County, as are given by chapter one hundred and seventy-nine of the acts of the year eighteen hundred and seventy-nine to The Massachusetts Society for the Prevention of Cruelty to Children, and the probate court for said county and judges or justices of other courts sitting therein, shall have the same right to appoint the said association guardian, or to give it the custody of such children, that they have under said chapter to appoint the said Massachusetts Society for the Prevention of Cruelty to Children, or to give it custody in like cases: *provided*, that nothing in this act or in said chapter shall limit the powers given to the board of health, lunacy and charity by existing laws.

Association
may be
appointed
guardian, etc.,
by the court.

Powers given to
board of health,
etc., not to be
limited.

Approved April 22, 1880.

[1878, 240; 1879, 240.]

AN ACT to incorporate the Newburyport Water Company.

Chap. 235

Be it enacted, etc., as follows:

SECTION 1. Joseph B. Morss, William H. Huse, Edward F. Coffin, Edward P. Russell, Henry M. Cross and Lawrence B. Cushing, their associates and successors, are hereby made a corporation by the name of the Newburyport Water Company, for the purpose of furnishing the inhabitants of Newburyport with pure water for the extinguishment of fires, and for domestic and other purposes; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force applicable to such corporations.

Corporators.

Name and
purpose.

Powers and
duties.

SECTION 2. Said corporation for the purposes aforesaid may take and hold the water or so much thereof as may be necessary not exceeding one and a half million of gallons daily, of any springs, natural ponds or brooks within the limits of said city, or of Kimball's Pond in the towns of Amesbury and Merrimac, or any of the effluents from said pond, or from the Powow River in said town of Amesbury and the town of Salisbury; and may convey said waters or any part thereof, into and through said city and said towns of Amesbury and Salisbury; and may take and

May take water
from Kimball's
Pond and
Powow River.

May lay pipes
through private
lands.

May enter upon
and dig up
roads.

May declare
quantity of
water to be
taken.

To file in regis-
try of deeds
description of
land, etc.,
taken.

Assessment of
damages.

hold by purchase or otherwise any real estate necessary for the raising, preservation and purity of the same, or for forming dams or reservoirs to hold the same, and for laying and maintaining aqueducts and pipes for distributing the waters so taken and held in any and all parts of said city and towns of Amesbury and Salisbury; and may lay its water pipes through any private lands, with the right to enter upon the same and dig therein for the purpose of making all necessary repairs or service connections; and for the purposes aforesaid may carry its pipes under or over any water-course, street, railroad, highway or other way, in such manner as not to obstruct the same; and may enter upon and dig up any road or other way for the purpose of laying or repairing its aqueducts, pipes or other works; and in general may do other acts and things convenient or proper for carrying out the purposes of this act. In case either of the towns in which said Kimball's Pond is situated, should hereafter apply for authority to take water from the same, the powers hereby granted shall not be construed as creating any priority of right, or operate in the prejudice of such application.

SECTION 3. Said corporation may declare the quantity of water proposed to be taken under this act, not exceeding one and a half million of gallons daily, not less than three months before the waters shall be withdrawn from said springs, ponds or brooks; and within sixty days from the time it shall take any lands, springs, ponds or brooks for the purpose of this act, otherwise than by purchase, said corporation shall file in the registry of deeds for the southern district of the county of Essex a description of such lands, springs, ponds, brooks or water, sufficiently accurate for identification, and state the purposes for which it is so taken, and the title of any land so taken shall vest in said corporation; and upon such filing the terms shall be the measure and limit of the right of said corporation to take and divert the waters of such springs, ponds or brooks; but if no such notice is filed said measure and limit shall be one and a half million of gallons daily. If at any time said corporation shall take a larger quantity of water than said limit, it may be restrained by injunction from taking such larger quantity, in a suit in equity brought by any party interested.

SECTION 4. Any person or corporation injured in any way by any acts of said corporation under this act and

failing to agree with said corporation as to the amount of damages may have the same assessed and determined in the manner provided when land is taken for highways; but no application shall be made to the county commissioners for the assessment of damages for the taking of water rights until the water is actually taken and diverted by said corporation. Any person whose water rights are thus taken or affected may apply as aforesaid within three years from the time the water is actually withdrawn or diverted, and not thereafterwards; and no suit for injury done under this act shall be brought after two years from the alleged date of the receipt of injury.

SECTION 5. If said corporation takes the water from Kimball's Pond or any of its effluents, or from Powow River, it shall lay its aqueduct or main pipe for conducting the same to said city by some convenient route through the town of Amesbury. The inhabitants of any town upon the line of the works authorized by this act, upon the application of its board of selectmen, shall be entitled to the reasonable use of the water, for the same uses as are herein before provided, upon paying an equitable compensation therefor, which in case of difference shall be determined by three commissioners to be appointed by the supreme judicial court upon application of either party, and notice to the other, whose award when accepted by the court shall be binding upon the parties for the term of five years.

If water is taken from Kimball's Pond or Powow River, main pipe to be laid through Amesbury.

SECTION 6. Any town under whose roads, streets or ways said corporation lays its aqueducts or main pipe, may require said corporation to insert therein proper hydrants, at points not less than five hundred feet apart, to be used for extinguishing fires and for no other purpose. The expense of inserting said hydrants and keeping the same in repair shall be paid by such town.

Towns may require hydrants to be inserted.

SECTION 7. If any person shall use any water taken under this act without the consent of said corporation, or shall wantonly or maliciously divert the water or any part thereof, taken or held by said corporation pursuant to the provisions of this act, or corrupt the same or render it impure, or destroy or injure any dam, aqueduct, conduit, pipe, hydrant, machinery or other works or property held, owned or used by said corporation, under the authority of and for the purposes of this act, he shall forfeit and pay to said corporation three times the amount of damage

Penalty for diverting water or rendering it impure.

assessed therefor; to be recovered in an action of tort; and on conviction of either of the wanton or malicious acts aforesaid may be also punished by fine not exceeding three hundred dollars or by imprisonment in jail not exceeding one year.

May fix water rates and collect the same.

SECTION 8. Said corporation may distribute the water through said city of Newburyport; may establish and fix from time to time rates for the use of said water and collect the same; and may make such contracts with the said city of Newburyport or with individuals or corporations to supply water for fire or for other purposes as may be agreed upon by said city or individuals or corporations, and said corporation: *provided*, that the source of supply, the size and quality of the pipes to be used, shall be approved by the board of water commissioners to be appointed under the provisions of this act. The city of Newburyport is hereby authorized to contract for a supply of water for fire purposes for a term of years with said Newburyport Water Company; *provided*, the same is assented to by said city by a majority vote of the voters present and voting thereon at a legal meeting called for that purpose.

Proviso.

Real and personal estate.

Capital stock and shares.

SECTION 9. Said corporation for the purposes set forth in this act may hold real and personal estate, and the whole capital stock shall not exceed three hundred thousand dollars to be divided into shares of one hundred dollars each.

Board of water commissioners to be appointed.

SECTION 10. The city of Newburyport is hereby authorized to appoint a board of water commissioners, to consist of five citizens of said city, who shall be chosen by the city council by joint ballot of both branches, whose duties it shall be to investigate all questions relative to the introduction of pure water into said city; to ascertain the cost of the same; and report the result of the investigation and deliberations upon the same to the city council at least ten days prior to the time appointed by section twelve of this act for said city to vote upon the acceptance of chapter two hundred and forty of the acts of the year eighteen hundred and seventy-eight. They shall serve without compensation, but the necessary expenses and liabilities incurred in the employment of engineers and personal examination of various systems of water supply shall be defrayed by said city; and the city council shall appropriate such sum or sums of money as may be needed for this purpose and in the same manner as money is appropriated for other city purposes.

SECTION 11. The city of Newburyport shall have the right at any time after ten years from the date of the completion of said works to purchase the corporate property and all the rights and privileges of said company at a price which may be mutually agreed upon between said corporation and the said city of Newburyport; and the said corporation is authorized to make sale of the same to said city. In case said corporation and city are unable to agree, then the compensation to be paid shall be determined by three commissioners to be appointed by the supreme judicial court, upon application of either party, and notice to the other, whose award when accepted by the court shall be binding upon both parties. And this authority to purchase said franchise and property is granted on condition that the same is assented to by said city by a two-thirds vote of the voters present and voting thereon at a meeting called for that purpose.

City may purchase rights and property.

SECTION 12. In case the city of Newburyport shall accept chapter two hundred and forty of the acts of the year eighteen hundred and seventy-eight as revived and continued by chapter two hundred and forty of the acts of the year eighteen hundred and seventy-nine, within two months from the date of the passage of this act, and shall also within three months after so accepting the same, vote to construct the works contemplated therein, and to raise and appropriate the necessary sum of money therefor, this act shall be inoperative, otherwise this act shall take effect at and upon the expiration of the said two months, and the said chapter two hundred and forty of the acts of the year eighteen hundred seventy-eight as revived by chapter two hundred and forty of the acts of the year eighteen hundred seventy-nine shall become void.

In case of acceptance of 1878, 240, by Newburyport, this act to be inoperative. [1878, 240, was rejected.]

Approved April 23, 1880.

[Inhabitants of Newburyport voted, Aug. 30, 1880, to contract with Newburyport Water Company for a supply of water for fire purposes, for a term of twenty years.] [1881, 72.]

[1873, 200; 1879, 25.]

AN ACT relative to the Apportionment of the Cost of constructing and maintaining a Bridge over Connecticut River between Agawam and Springfield.

Chap. 236

Be it enacted, etc., as follows:

SECTION 1. At any time within six months from the passage hereof, the supreme judicial court or any justice

Commissioners to be appointed to apportion

cost of con-
structing bridge
over Connecti-
cut River.

thereof, upon the written application of the city of Springfield or town of Agawam, shall appoint a board of commissioners consisting of three suitable and disinterested persons, not residents of Hampden County, who having been duly sworn to the faithful and impartial discharge of their duties, shall after due notice to all parties interested and after a hearing determine and decree the amount of special benefits said city and town receive from the bridge over the Connecticut River constructed under the provisions of chapter two hundred of the acts of the year eighteen hundred and seventy-three.

If special bene-
fits do not equal
the amounts
paid, excess to
be paid by
county.

SECTION 2. If said commissioners shall find that the special benefits of said bridge to said city and town do not equal the cost of the bridge including all land damages and expenses as they appear in the report of the county commissioners on file in the office of the clerk of the supreme judicial court for said county, then they shall determine and decree that said Hampden County shall pay to said city and town the amount that each has paid or become liable for on account of the construction of said bridge in excess of the benefit it receives therefrom; and their determination and decree or that of the major part of them shall be made in writing and reported to the supreme judicial court or any justice thereof; and when the same is accepted and judgment entered thereon by the said court it shall be binding upon all parties interested therein. Said commissioners shall also determine and decree who shall pay their reasonable fees and expenses.

SECTION 3. This act shall take effect upon its passage.

Approved April 23, 1880.

Chap. 237 AN ACT to legalize the Action of the Town of Stoughton at a Meeting held the Fifth Day of April Eighteen Hundred and Eighty, concerning the Building of a Town Hall.

Be it enacted, etc., as follows:

Action of town
meeting ratified.

SECTION 1. The action of the town of Stoughton at its last annual meeting, held on the fifth day of April in the year eighteen hundred and eighty, with reference to the issuing of bonds by the town in payment for a town house, is hereby ratified, legalized and made valid.

SECTION 2. This act shall take effect upon its passage.

Approved April 23, 1880.

568 1880
not legal

[1870, 36; 1872, 54; 1875, 31; 1876, 12; 1878, 38.]

AN ACT to amend an "Act to incorporate the Cape Cod Ship Canal Company." *Chap. 238*

Be it enacted, etc., as follows :

SECTION 1. Chapter thirty-six of the acts of the year eighteen hundred and seventy is hereby amended by inserting in section two after the word "wharves," the word "basins;" by inserting in section two after the words "for the convenient using of said canal," the words "together with the highways provided for by this act, and any act in amendment thereof;" by inserting in section four of said act after the word "breakwaters," the word "basins;" by inserting in said section four after the word "gates," the word "highways;" by striking out the word "may," in the last clause of section five of said act, and inserting instead the word "shall;" by inserting in section twenty-four of said act after the word "act," the words "below high water mark;" and by striking out wherever they occur in said act the words "Cape Cod Railroad Company," and substituting therefor the words "Old Colony Railroad Company."

SECTION 2. Section eight of said act is hereby amended by inserting after the word "crossing," the words "and the location of the canal company at the crossing;" and by striking out of said section all that follows the words "as in the case of the construction of railroads," and substituting therefor the words following, to wit:—"And the Cape Cod Ship Canal Company shall also build, maintain and keep in repair to the satisfaction of the railroad commissioners, a bridge across said canal, suitable for the passing of the railroad, and also for the passing of the highway at the point fixed upon as above provided, which said bridge shall have a suitable draw for the passage of vessels; and said railroad company shall appoint a steady and discreet superintendent and all necessary assistants for such drawbridge who shall be paid a reasonable compensation by said canal company. Said superintendent shall be experienced in the management of vessels, and shall have full control and direction of the passing of vessels through the draw, and of trains over the bridge, and with said assistants shall be subject to such rules and regulations not inconsistent with law as said railroad and canal company shall from time to time prescribe for the operation of said bridge; but such rules and regulations

Amendments to
1870, 36, §§ 2, 4,
5, 24.

Amendment to
1870, 36, § 8.

Amendment to
1870, 36, § 8.

To build bridge
across canal.

shall be subject to approval and alteration by the railroad commissioners. And said superintendent and assistants shall be subject to removal by said railroad commissioners. And railroad passenger trains shall have precedence over vessels, when there is occasion for such trains to pass said bridge; but freight trains shall not have such precedence, unless the railroad commissioners shall so determine."

Amendment to
1870, 36, § 14.

SECTION 8. Section fourteen of said act is hereby amended to read as follows, to wit:—"The provisions relating to drawbridges contained in sections one hundred and nine to one hundred and thirteen of chapter three hundred and seventy-two of the acts of eighteen hundred and seventy-four, shall extend to said bridge so far as applicable, except that the word "fifteen" in the tenth line of section one hundred and ten, shall for the purpose of this act be erased and "five" substituted in its place. And the same penalties and forfeitures provided in section one hundred and fourteen of said statute shall also be in force, and may be recovered of the Old Colony Railroad Company, or any engineer, or any superintendent of said bridge, in like manner as therein provided for the violation of any of the provisions of section one hundred and eleven, one hundred and twelve, and one hundred and thirteen of said chapter three hundred and seventy-two, or of the rules and regulations provided for by section eight of this act as amended."

Amendment to
1870, 36, § 16.

SECTION 4. Section sixteen of said act is hereby amended to read as follows, to wit:—"The said canal company shall also construct such highways to connect with the bridge and ferries provided for in sections eight and fifteen of this act, and such other highways as may be necessary to replace the highways destroyed by the construction of said canal, as the county commissioners for the county of Barnstable shall prescribe, upon each side of said bridge and ferries. And after the completion of such highways, and their acceptance by the said county commissioners, the said canal company shall not be responsible in any manner for the further maintenance of the same."

To file a new
location of
canal.

SECTION 5. The said corporation shall file a new location of its canal to the satisfaction of the railroad commissioners, in the manner provided by chapter one hundred and thirty-five, acts of eighteen hundred and seventy-eight, for filing railroad locations, on or before the first day of July eighteen hundred and eighty. In case of fail-

ure so to do, all powers granted to said corporation by chapter thirty-six of the acts of eighteen hundred and seventy, and all acts amending the same, shall be revoked and repealed.

SECTION 6. All acts and parts of acts inconsistent with this act are hereby repealed. *Repeal.*

SECTION 7. This act shall take effect upon its passage.

Approved April 23, 1880.

AN ACT to authorize the Town of Sterling to raise Money for celebrating the Centennial Anniversary of its Incorporation. *Chap. 241*

Be it enacted, etc., as follows:

SECTION 1. The town of Sterling is hereby authorized to raise money, by taxation the present year, to an amount not exceeding five hundred dollars, for the purpose of commemorating, on the twenty-sixth day of April in the year eighteen hundred and eighty-one, the centennial anniversary of its incorporation, and for publishing the doings of said celebration. *May raise money for celebration of anniversary of incorporation.*

SECTION 2. This act shall take effect upon its passage.

Approved April 24, 1880.

[1876, 140, 150; 1878, 277.]

AN ACT to confirm the Taking of Land for a Highway, to authorize the Exchange of Land, and other Acts in Connection with the Hoosac Tunnel and Troy and Greenfield Railroad in Greenfield. *Chap. 242*

Be it enacted, etc., as follows:

SECTION 1. The taking of lands of the Commonwealth for a highway from Main Street in Greenfield to the site of the union passenger station in that town by the county commissioners of Franklin county, as described and shown on a plan filed by them in the office of the clerk of courts of that county, is ratified and declared to be a valid taking, and said lands are dedicated to the purposes of such highway. *Taking land of Commonwealth by commissioners of Franklin County, ratified.*

SECTION 2. The governor with the advice and consent of the council is authorized to exchange any land of the Commonwealth on either side of said highway with any person for such other land as they may deem necessary for the use of the Troy and Greenfield Railroad, and the land so exchanged shall be conveyed by deed of quitclaim executed by the treasurer and receiver-general. *Land may be exchanged, etc.*

SECTION 3. The said county commissioners may authorize the manager of said railroad to build a retaining *Retaining wall.*

wall east of the embankment of said highway to protect the same on any part of the land referred to in the first section of this act, and to use thereafter the land allowed for the embankment not exceeding twelve feet in width for the purposes of said railroad.

Telegraph company may use wires and poles belonging to railroad.

SECTION 4. The manager under the direction of the governor and council shall allow any telegraph company doing commercial business to use the right of way of the Troy and Greenfield Railroad and the wire and poles belonging to the Troy and Greenfield Railroad for telegraphic purposes, upon such terms and conditions as said governor and council may prescribe.

SECTION 5. This act shall take effect upon its passage.

Approved April 24, 1880.

[1876, 150.]

Chap. 243

AN ACT making Appropriations for the Improvement and Maintenance of the Troy and Greenfield Railroad and Hoosac Tunnel.

Be it enacted, etc., as follows:

Appropriations for improvement and maintenance of Troy and Greenfield Railroad and Hoosac Tunnel.

SECTION 1. The sums hereinafter mentioned are appropriated for the improvement and maintenance of the Troy and Greenfield Railroad and Hoosac Tunnel, of which sums the amount allowed for land damages and passenger station at Greenfield shall be paid from the treasury of the Commonwealth, and the remaining sums, to be expended under the direction of the governor and council, shall be paid from the moneys paid since January first of the current year or hereafter paid into the treasury on account of said railroad and tunnel after deducting current expenses and without reference to future adjustments of compensation to corporations operating said railroad. A sum not exceeding eight thousand dollars for land damages and passenger station at Greenfield, together with all appropriations heretofore made for that purpose. A sum not exceeding seven thousand four hundred dollars for completing a double track iron bridge at Deweyville. A sum not exceeding six thousand two hundred dollars for cable for telegraphic purposes and for telegraphic line, offices and instruments at Greenfield and Blackington, and for general repairs on the line. A sum not exceeding seven thousand six hundred and seventy-seven dollars for completing arch and ventilating flues at central shaft. A sum not exceeding eighty-two thousand one hundred and eighty-one dollars for cutting niches and laying a second

Double track iron bridge at Deweyville.
Telegraph.

Arch and ventilating flues.

Track in tunnel.

track in the tunnel. A sum not exceeding three thousand seven hundred and sixty dollars for stone ballast in tunnel. A sum not exceeding one thousand dollars for steel rails to complete steel track. A sum not exceeding five thousand nine hundred and fifty dollars for steel rails for repairs. A sum not exceeding thirty-six thousand dollars for the expenses of double tracking the Troy and Greenfield Railroad, between the state line of Vermont and North Adams, the same to be in addition to the amount appropriated by chapter two hundred and ninety of the acts of the year eighteen hundred and seventy-nine. A sum not exceeding fifteen hundred dollars for the construction of a station at Blackington.

Steel rails.

Double track.

Blackington station.

SECTION 2. The governor and council are hereby directed to exhaust all legal remedies in an attempt to reduce the award for land damages at Greenfield to a sum which in their judgment shall be just and reasonable.

Land damages at Greenfield.

SECTION 3. This act shall take effect upon its passage.

Approved April 24, 1880.

AN ACT to regulate the Transportation of Gunpowder within and through the City of Chelsea.

Chap. 244

Be it enacted, etc., as follows:

SECTION 1. The city council of the city of Chelsea is hereby authorized to make and establish by-laws and ordinances, from time to time, relative to the times and places at which gunpowder may be brought to, carried from or transported through said city by land or by water, and to annex to such by-laws and ordinances suitable penalties not exceeding twenty-five dollars for any one breach thereof: *provided*, that this act shall not apply to the transportation of gunpowder under the authority and direction of the Commonwealth or of the United States.

Transportation of gunpowder in the city of Chelsea.

SECTION 2. This act shall take effect upon its passage.

Approved April 24, 1880.

AN ACT to incorporate the Cape Cod Canal Company.

Chap. 245

Be it enacted, etc., as follows:

SECTION 1. Henry M. Whitney, Hocum Hosford, George M. Barnard, Alfred A. Nickerson, G. T. W. Bra-
man, Henry F. Dimock, William C. Whitney and Charles
T. Barney, their associates and successors, are hereby made
a corporation by the name of the Cape Cod Canal Com-

Corporators.

Name.

Duties and liabilities.

pany, with all the privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force relating to railway corporations, so far as they may be applicable, except as hereinafter provided.

May construct and maintain a ship canal.

SECTION 2. Said corporation may locate, construct, maintain and operate a ship canal, beginning at some convenient point in Buzzard's Bay, and running through the town of Sandwich to some convenient point in Barnstable Bay; together with all such breakwaters, wharves, basins, docks, locks, gates and other structures and works as may be necessary for the convenient using of said canal; together with the highways provided for by this act; and in connection therewith, may maintain and operate steam tugs, or use any other suitable means or methods for assisting vessels in their approach to and passage through and from the canal.

Not exceeding one thousand feet wide.

SECTION 3. Said corporation may lay out its canal, not exceeding one thousand feet wide, and shall file the location thereof within one year with the county commissioners of Barnstable County, defining the courses, distances and boundaries thereof, in the manner provided by chapter one hundred and thirty-five of the acts of eighteen hundred and seventy-eight, for filing railroad locations; and said canal shall be commenced within two years, and shall be completed within five years from the passage of this act.

Location to be filed with county commissioners.

May purchase or take land.

SECTION 4. Said corporation may purchase or otherwise take land or materials necessary for making or securing its canal, and for breakwaters, basins, docks, wharves, locks, gates, highways or other structures and works referred to in section two. If not able to obtain such land or materials by agreement with the owner, it shall pay such damages therefor as the county commissioners estimate and determine.

Payment of damages.

SECTION 5. Said corporation shall pay all damages occasioned by laying out, and making and maintaining its canal, or by taking any land or materials, as provided in section four; and such damages shall, upon the application of either party, be estimated by the county commissioners in the manner provided in laying out highways; and the residence of one of said commissioners in the town of Sandwich shall not disqualify him from acting under the provisions of this act; and when it is intended to take

land or materials, application shall be made before the actual taking or appropriation thereof.

SECTION 6. Either party if dissatisfied with the estimate made by the commissioners, may at any time within one year after it is completed and returned, apply for a jury to assess the damages. Upon such application, the prevailing party shall recover legal costs, and the proceedings thereon shall be the same as is provided for the recovery of damages in the laying out of highways.

Party dissatisfied with award may apply for a jury.

SECTION 7. The provisions relating to railways, contained in chapter three hundred and seventy-two, sections fifty-eight to sixty, sixty-three to seventy-two, seventy-four to eighty-four, inclusive, and section one hundred and four, of the acts of eighteen hundred and seventy-four, shall also extend to said corporation, so far as applicable.

Provisions relating to railways to apply.

SECTION 8. It shall be the duty of the Old Colony Railroad Company so to alter its location as to cross the said canal but once, which crossing, and the location of the canal company at the crossing, shall be at a point to be fixed by the railroad commissioners in case the railroad company and canal company do not agree upon the same, which they are hereby authorized to do; and in making said alteration they shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in all general laws relating to railroads. And the Cape Cod Canal Company shall thereupon proceed to build the railroad upon the new location, and complete the same in such manner and at such time as may be prescribed by the railroad commissioners, and to their satisfaction, in case the parties do not agree upon the same; and shall pay all damages caused by the construction of said railroad on such new location, and shall be liable for such damages as in case of the construction of railroads. And the Cape Cod Canal Company shall also build and maintain and keep in repair to the satisfaction of the railroad commissioners, a bridge across said canal, suitable for the passing of the railroad, and also for the passing of the highway at the point fixed upon as above provided, which said bridge shall have a suitable draw for the passage of vessels; and said railroad company shall appoint a steady and discreet superintendent, and all necessary assistants for such drawbridge, who shall be paid a reasonable compensation by said canal company. Said superintendent shall be experienced in the management of vessels, and

Old Colony Railroad to alter its location.

To cross canal but once.

Canal company to build railroad upon new location.

To build and maintain bridge across canal.

shall have full control and direction of the passing of vessels through the draw, and of trains over the bridge, and with said assistants shall be subject to such rules and regulations, not inconsistent with law, as said railroad and canal company shall from time to time prescribe for the operation of said bridge; but such rules and regulations shall be subject to approval and alteration by the railroad commissioners. And said superintendent and assistants shall be subject to removal by said railroad commissioners. And railroad passenger trains shall have precedence over vessels when there is occasion for such trains to pass said bridge; but freight trains shall not have such precedence unless the railroad commissioners shall so determine.

Railroad passenger trains to have precedence over vessels.

Location of railroad.

SECTION 9. The Old Colony Railroad Company shall have its location, not exceeding five rods in width, upon any land owned or located upon by said canal company, up to the said bridge, on each side thereof: *provided*, that all reasonable use of said location by the said canal company, for the purpose of operating their canal, and under the direction of the railroad commissioners, shall be permitted by the railroad company without payment of rent to the railroad company.

Materials left upon road to be given up, to be paid for by railroad.

SECTION 10. The Old Colony Railroad Company shall upon the completion and acceptance by the railroad commissioners of the newly constructed railroad and bridge as above provided, allow and pay to the Cape Cod Canal Company the value of such iron and other materials as may remain upon that portion of the line of said railroad which is to be given up; such value to be determined by the railroad commissioners in case the parties do not agree upon the same. And the said canal company shall thereafter take and own the land upon that portion of the line of the railroad which is to be given up.

Penalty for obstructing superintendent.

SECTION 11. Whoever obstructs the superintendent of the drawbridge, provided for in section eight, in the performance of his duties, shall pay a fine of not less than three nor more than fifty dollars.

Penalty for breaking bridge, or opening draw without consent.

SECTION 12. Whoever breaks, defaces or impairs said bridge, or any wharf or pier appurtenant thereto, or unnecessarily opens or obstructs the draw without the consent of the superintendent, or without such consent makes fast or moors any scow, raft or other vessel to said bridge within wake of the draw, shall pay a fine of not less than three nor more than fifty dollars.

SECTION 13. Whoever wilfully injures or damages said bridge, wharf or pier, or wilfully disturbs or hinders the superintendent in the discharge of his duties, shall forfeit for each offence a sum not exceeding one hundred dollars, and be further liable in damages to the Cape Cod Canal Company.

Penalty for
injuring bridge
or hindering
superintendent.

SECTION 14. The provisions relating to drawbridges contained in sections one hundred and nine to one hundred and thirteen, inclusive, of chapter three hundred and seventy-two of the acts of eighteen hundred and seventy-four, shall extend to said bridge so far as applicable, except that the word "fifteen" in the tenth line of section one hundred and ten shall for the purpose of this act be erased and "five" substituted in its place. And the same penalties and forfeitures provided in section one hundred and fourteen of said statute shall also be in force, and may be recovered of the Old Colony Railroad Company, or any engineer, or any superintendent of said bridge, in like manner as therein provided for the violation of any of the provisions of sections one hundred and eleven, one hundred and twelve and one hundred and thirteen of said chapter three hundred and seventy-two, or of the rules and regulations provided for by section eight of this act.

Provisions
relating to
drawbridges to
apply, except,
etc.
1874, 372, §§ 109-
113.

Penalties.

SECTION 15. The said canal company shall provide and maintain at North Sandwich and at West Sandwich, at such point as may be designated by the railroad commissioners, a suitable ferry across their canal for passengers and teams, to be operated under rules to be established by the railroad commissioners.

Ferry to be
maintained at
North Sandwich
and West
Sandwich.

SECTION 16. The said canal company shall also construct such highways to connect with the bridge and ferries provided for in sections eight and fifteen of this act, and such other highways as may be necessary to replace the highways destroyed by the construction of said canal, as the county commissioners for the county of Barnstable shall prescribe, upon each side of said bridge and ferries. And after the completion of such highways and their acceptance by the said county commissioners, the said canal company shall not be responsible in any manner for the further maintenance of the same.

Highways to
connect with
bridge and
ferries.

SECTION 17. The said canal company shall also make such suitable provision for the continuance of the herring fishery in Monument River and Herring Pond as the commissioners on inland fisheries may prescribe; and in case

To provide for
continuance of
herring fishery.

of injury to any private fishery, shall pay to the owner thereof such damages as shall upon the application of either party be estimated by said commissioners, in a manner similar, so far as may be, to that provided in laying out highways; and with a similar right of appeal to a jury, by proceedings like those provided for in section six of this act.

Toll upon
vessels may be
established.

SECTION 18. The said canal company may establish for its sole benefit a toll upon all vessels or water craft, of whatever description, which may use its canal, at such rates as the directors thereof may determine; and may from time to time regulate such use in all respects as the directors may determine. Said corporation shall also furnish towage through said canal for all vessels or water craft which require it; for which service it may establish for its sole benefit a toll, at such rates as the directors thereof may determine.

Penalty for
evading pay-
ment of toll.

SECTION 19. Whoever fraudulently evades or attempts to evade the payment of any toll, lawfully established under section eighteen of this act, either by misrepresenting the register or draught of any vessel, or otherwise, shall pay a fine of not less than fifty nor more than five hundred dollars.

Penalty for
obstructing
passing of ves-
sel in canal.

SECTION 20. Whoever wilfully and maliciously obstructs the passing of any vessel or steam tug, or other water craft in said canal, or in any way injures said canal, or its banks, breakwaters, docks, wharves, locks, gates or other structures or works, or any thing appertaining thereto, or any materials or implements for the construction or use thereof, or aids or abets in such trespass, shall forfeit to the use of the corporation, for each offence, treble the amount of damages proved to have been sustained thereby, to be recovered in an action of tort in the name of the corporation; and may further be punished by fine not exceeding one thousand dollars, or imprisonment for a term not exceeding one year.

Capital stock
and shares.

SECTION 21. The capital stock of said canal company shall be divided into shares of one hundred dollars each; and the amount of capital stock may be fixed from time to time, by vote of the corporation, not however to exceed four millions of dollars. Said canal company shall not locate, begin to construct said canal, drawbridge or any of the roads provided for in this act, until after five hundred thousand dollars of its capital stock has been actually sub-

scribed in good faith by responsible parties, without any condition which invalidates the subscription, and two hundred thousand dollars of said subscription has actually been paid into its treasury, nor until a certificate setting forth these facts, signed and sworn to by its president and a majority of its directors, is filed with the secretary of the Commonwealth, to whom fifty dollars shall then be paid.

SECTION 22. Said canal company may, upon being authorized by a majority of the votes at any regular meeting of its stockholders or at a meeting called for the purpose, issue bonds and may secure the same by a mortgage of its franchise, and its real and personal property, then owned or thereafter to be acquired, or any part thereof. And every such mortgage shall be recorded in the registry of deeds for the county of Barnstable. And in case any such mortgage is executed to trustees, then all bonds secured thereby shall also bear the certificate of one or more of the trustees, that the same are so secured, and that the mortgage has been delivered to the trustees and duly recorded. And all the provisions contained in sections one hundred and twenty-four to one hundred and twenty-eight inclusive, of chapter sixty-three of the General Statutes, shall extend to such mortgage, so far as applicable.

May issue bonds and secure by mortgage of franchise, etc.

SECTION 23. Said corporation shall not be required to pay any taxes to the Commonwealth, until the canal shall have been opened for use for two years. And nothing herein contained shall have the effect to render said corporation, or the shareholders therein, liable to local taxation for their property or shares in said corporation, until the canal shall have been opened for use for two years.

Not to be taxed until canal has been opened for use for two years.

SECTION 24. Any railroad corporation, organized under the laws of this Commonwealth, may, upon a vote of a majority of its stockholders present and voting at any meeting called for that purpose, subscribe for the stock or bonds of said canal company, and pay for the same a sum not exceeding five per cent. of the capital stock of such railroad company, or may guarantee the payment of the bonds of said canal company, to an amount not exceeding five per cent. of the capital stock of such railroad company.

Railroad corporations may take stock and bonds of canal company.

SECTION 25. All things done under this act below high water mark shall be subject to the determination and approval of the harbor and land commissioners, as provided

All things done below high-water mark subject to approval of

land and harbor
commissioners.

To take effect
Nov. 1, 1880,
unless before
that day the
Cape Cod Ship
Canal Company
has paid in
\$400,000.

If expenditure
has been made,
this act to be
void.

Commissioners
to determine
questions
arising concern-
ing payments or
expenditures.

in section four of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six.

SECTION 26. This act shall take effect on the first day of November, eighteen hundred and eighty, unless prior to that day the Cape Cod Ship Canal Company, in good faith, for the purposes of constructing the canal hereinafter mentioned, shall have had paid into its treasury four hundred thousand dollars of its capital; and shall, after the passage of this act, and prior to said first day of November, have actually expended (exclusive of the pay and salaries of its officers, money expended, or liabilities incurred in the purchase or taking of land, or in the purchase of tools and machinery) one hundred thousand dollars for work actually performed or materials used in good faith and at reasonable prices upon a canal within the location, as provided by law from Barnstable Bay to Buzzard's Bay through the town of Sandwich; and, if said expenditure shall then have been made, this act shall be void and of no effect. But if the said Cape Cod Ship Canal Company shall not have had paid in said four hundred thousand dollars, and have actually expended one hundred thousand dollars, as herein provided, prior to the first day of November, eighteen hundred and eighty, then its franchise shall thereupon cease and determine, together with all the right on its part to construct a canal across Cape Cod from Barnstable Bay to Buzzard's Bay; and all lands and interest in lands acquired, materials used and work done by it, or for it, shall, without compensation, be forfeited to, and become the property of, the Cape Cod Canal Company, if it elects to build a canal as herein provided; except, that said Cape Cod Canal Company, in that event, shall reimburse said Cape Cod Ship Canal Company for all money it shall have actually expended in the purchase of land, and shall assume and discharge all the liabilities of said Cape Cod Ship Canal Company for land taken and not paid for. If any question arise between said companies as to whether said four hundred thousand dollars shall have actually been paid into the treasury of the Cape Cod Ship Canal Company, or said one hundred thousand dollars shall have been expended by it as herein provided, a board of three commissioners, to be appointed by the supreme judicial court sitting in and for the county of Suffolk, shall summarily inquire into the matter, upon the written request of either of said companies, and the finding of said

commissioners, or a majority of them when filed with the clerk of said court shall be final and conclusive, and the burden of proving that said sums have been paid in and expended as herein provided shall be upon the Cape Cod Ship Canal Company. If either company fails to appear before said commissioners, after due notice, the commissioners shall proceed to hear and determine the matter.

Approved April 24, 1880.

[1881, 13.]

AN ACT to facilitate the Sale and Use of the Commonwealth's Flats at South Boston.

Chap. 252

Be it enacted, etc., as follows:

SECTION 1. Any railroad company hereafter organized for the purpose of connecting the lands known as the Commonwealth's flats at South Boston with any then existing railroads may, after obtaining the consent of the board of harbor and land commissioners, locate a junction railroad upon said lands upon the approval thereof by the governor and council, and upon such terms and conditions as they may prescribe. And any existing railroad company may, on like terms, locate and build a branch for the same purpose, which shall also be known as a junction railroad. Such junction railroad shall connect its tracks with one or more railroads within twenty miles of Boston; and shall charge for the use of its tracks to all railroads connecting therewith a rate which shall be equal and without discrimination as to each kind of service performed. And the railroads, with which said junction road shall so connect its tracks, may use the tracks of said junction road each with its own motive power, on terms and under regulations approved by the board of railroad commissioners.

Junction railroad may be built.

May connect tracks with roads within 20 miles of Boston.

SECTION 2. Any railroad corporation, for the purpose of reaching said flats, may construct a branch from any point on its own road within twenty miles of Boston to the nearest point upon the location of said junction railroad where it can conveniently connect therewith, may enter upon the location of and may connect its tracks with the tracks of said junction road, and shall have, with said junction road, the rights of connecting railroads, and may use the tracks of said junction road with its own motive power, on terms and under regulations approved by the board of railroad commissioners.

Any railroad may construct branch to connect with junction road.

SECTION 3. Any railroad corporation for the purpose

Roads may

connect with
branches of
other roads.

of reaching said flats may construct a branch from any point on its own road within twenty miles of Boston to the nearest point upon the location of any branch road, constructed as provided in section two, where it can conveniently connect therewith, may enter upon the location of and connect its tracks with said branch; and shall have, as to said branch and all branches intervening between it and said flats, and as to said junction railroad, all the powers granted to a branch railroad constructed under section two.

Junction road
may enter upon
tracks of any
railroad for
connecting
with Common-
wealth's flats.

SECTION 4. Any junction road authorized by section one may enter upon the location of and connect its tracks with those of any railroads for the purpose of connecting the same with the Commonwealth's flats, and enter upon and use the same, and have with said roads the power of connecting railroads: *provided*, that nothing in this act contained shall be construed to allow any road authorized by this act to use its own motive power on any railroad except the junction and branch roads herein authorized.

Provido.

Lease, use or
construction by
any railroad
corporation.

SECTION 5. Any railroad corporation or corporations may make contracts for the construction, lease or use of the junction road and of the branches hereby authorized. Section six of chapter two hundred and thirty-nine of the acts of the year eighteen hundred and seventy-five is hereby repealed.

Repeal of
1875, 239, § 6.

Littoral pro-
prietors may re-
cover damages.

SECTION 6. If any railroad, in pursuance of the authority granted by this act, shall cross any part of the waters of Boston harbor, otherwise than by a pile bridge with a suitable draw, any littoral proprietor, except such as shall have released to the Commonwealth a right to fill and build structures and exclude water, who shall suffer any obstruction or interruption of his access to and from the sea by reason of the location of any railroad upon said flats of the Commonwealth, may recover of the corporation whose railroad shall be so located all damages occasioned by such location in the same manner and with the same rights as to security as are provided by law in respect to damages occasioned by laying out and maintaining railroads.

Location, etc.,
to be under
general railroad
law.

SECTION 7. The proceedings under this act including the location and construction of the road and branches hereby authorized, the fixing of the routes and the ascertainment and recovery of damages, shall be in conformity with and subject to the general railroad law, except as herein provided.

SECTION 8. No existing corporation and no corporation that may be hereafter organized for the purposes set forth in this act, nor any other parties, shall enter upon or locate a junction railroad upon said lands until they shall first obtain the consent of the board of harbor and land commissioners and also of the governor and council, and have agreed upon the amount to be paid for such location, and upon the terms of payment therefor, and also shall have agreed upon such other terms and conditions as may be prescribed as to such location.

Subject to consent of land and harbor commissioners and governor and council.

SECTION 9. This act shall take effect upon its passage.

Approved April 24, 1880.

AN ACT to incorporate the Owners of Meadow Lands lying on Cow's River.

Chap. 254

Be it enacted, etc., as follows:

SECTION 1. The owners of the meadow lands lying on each side of Cow's River, in the town of Sandwich and county of Barnstable, included between the beach on the north and uplands on all other sides, except three hundred and forty feet of dike which makes a part of the eastern boundary, are hereby made a corporation by the name of the Spring Hill Cranberry Meadow Company, with power to drain, dike, flow and improve said meadows from time to time for the purpose of raising cranberries and for improving the grass thereon, with power to sue and be sued in its corporate name, and with all other powers and privileges and subject to the duties, restrictions and liabilities set forth in the general laws which now are or hereafter may be in force relating to such corporations.

Owners of meadow lands incorporated.

Name and purpose.

Powers and duties.

SECTION 2. Any justice of the peace, upon application in writing from ten or more of said owners, shall issue his warrant to one of the owners aforesaid, requiring him to notify and warn a meeting of said owners for the purposes to be expressed in said warrant, by posting copies of said warrant in at least two public places in said town of Sandwich, and by publishing the same once each week for three successive weeks in some newspaper published in said county of Barnstable, said posting and said publication to be at least fourteen days before said meeting; and said owners, when legally assembled as aforesaid, may adopt by-laws for the government of said corporation, and may also choose a clerk, treasurer, assessors and collector,

Meeting of owners.

May choose certain officers.

who shall be sworn to the faithful discharge of their duties, and shall continue in office until others are chosen and sworn in their stead, which said officers may exercise the same power and authority in performing the duties of their appointment as town officers of the like description.

May remove
obstructions in
Cow's River.

SECTION 8. In addition to the powers already granted said corporation shall have power to remove grass, weeds and any other natural obstructions, and all illegal obstructions in said Cow's River and its tributary, whereby the drainage of their said meadow lands is obstructed or prevented, and to vote and raise moneys for said purposes, and for all other necessary expenses of said corporation; and all moneys which may be voted to be raised as aforesaid shall be assessed upon each proprietor in said meadows according to the number of acres owned by him, and the benefits likely to be received; and any owner who is aggrieved by the amount of the tax levied on his land may, at any time within thirty days after said assessment, appeal to the county commissioners for said county of Barnstable, who shall have power to reduce or increase the amount of said tax, and to make the same as said corporation should have made it under the provisions of this bill; and if any owner shall refuse or neglect to pay the sum or sums assessed upon him as aforesaid for sixty days after demand thereof, so much of his said land may be sold as will be sufficient to pay the same, together with costs, in the same way and manner as non-resident owners' lands in this Commonwealth are sold to pay town taxes; but nothing herein contained shall authorize arrest of the person, nor the sale of any property except said meadow lands. Said corporation shall be liable for all damages done by it to the lands of any person under authority of this act, and like proceedings shall be had for the determination and recovery thereof as in the case of laying out highways. The amount of damages so determined and all sums for which judgment may be recovered by any party against said corporation shall be assessed upon each proprietor and collected in the same manner as moneys voted to be raised for other purposes under this section: *provided*, that this act shall not take effect until the owners of three-quarters of all the meadow lands included herein shall have expressed in writing their acceptance of this act, which acceptance, together with the oath of at least three of said owners that in their belief the owners of

Moneys voted,
to be assessed
upon pro-
prietors.

Land may be
sold if assess-
ment is not
paid.

Liability for
damages.

Subject to
acceptance by
three-quarters
of owners.

three-quarters of all said meadow lands have signed said acceptance, shall be filed in the office of the secretary of state, and the certificate of said secretary that such alleged acceptance has been so filed shall be *prima facie* evidence of such acceptance.

Approved April 24, 1880.

[Accepted August 22, 1881.]

Acceptance to
be filed in office
of secretary.

AN ACT to incorporate the Owners of Meadow Lands lying on Miles River.

Chap. 255

Be it enacted, etc., as follows:

SECTION 1. The owners of the meadow lands lying on each side of Miles River, in the towns of Ipswich, Hamilton and Wenham in the county of Essex, are hereby made a corporation by the name of the Miles River Meadow Company, with power to drain and improve said meadows from time to time for the purpose of saving the grass growing thereon, and improving the quality thereof, with power to sue and be sued in its corporate name and with all other powers and privileges, and subject to the duties, restrictions and liabilities set forth in the general laws which now are or hereafter may be in force relating to such corporations.

Owners of
meadow lands
incorporated.

Name and
purpose.

Powers and
duties.

SECTION 2. Any justice of the peace, upon application in writing from ten or more of said owners, shall issue his warrant to one of the owners aforesaid, requiring him to notify and warn a meeting of said owners, for the purposes to be expressed in said warrant, by posting copies of said warrant in at least two public places in each of said towns, seven days at least before the time of said meeting; and said owners when legally assembled as aforesaid, may adopt by-laws for the government of said corporation, and may also choose a clerk, treasurer, assessors, collector and surveyors, who shall be sworn to the faithful discharge of their duties, and shall continue in office until others are chosen and sworn in their stead, which said officers may exercise the same power and authority in performing the duties of their appointment as town officers of the like description.

Meeting of
owners.

May choose
certain officers.

SECTION 3. In addition to the powers already granted, said corporation shall have power to remove grass, weeds and other natural obstructions and all illegal obstructions in said Miles River, whereby the drainage of their said meadow lands is obstructed or prevented, and to vote and raise moneys for said purposes, and for all other necessary

May remove
obstructions in
Miles River.

Moneys voted,
to be assessed
upon pro-
prietors.

Land may be
sold if assess-
ments are not
paid.

Liability for
damages.

Subject to
acceptance by
three-quarters
of owners.

Acceptance to
be filed in office
of secretary.

expenses of said corporation; and all moneys which may be voted to be raised as aforesaid shall be assessed upon each proprietor in said meadows, according to the number of acres owned by him, and the benefit likely to be received; and any owner who is aggrieved by the amount of the tax levied on his land, may at any time within thirty days after said assessment appeal to the county commissioners for said county of Essex, who shall have power to reduce or increase the amount of said tax and to make the same as said corporation should have made it under the provisions of this bill; and if any owner shall refuse or neglect to pay the sum or sums assessed upon him as aforesaid for sixty days after demand thereof, so much of his said land may be sold as will be sufficient to pay the same, together with costs, in the same way and manner as non-resident owners' lands in this Commonwealth are sold to pay town taxes; but nothing herein contained shall authorize arrest of the person nor the sale of any property except said meadow lands. Said corporation shall be liable for all damages done by it to the lands of any person under authority of this act, and like proceedings shall be had for the determination and recovery thereof as in the case of laying out highways. The amount of damages so determined, and all sums for which judgment may be recovered by any party against said corporation shall be assessed upon each proprietor and collected in the same manner as moneys voted to be raised for other purposes under this section: *provided*, that this act shall not take effect until the owners of three-quarters of all of the meadow lands included herein shall have expressed in writing their acceptance of this act, which acceptance, together with the oath of at least three of said owners, that in their belief the owners of three-quarters of all of said meadow lands have signed said acceptance, shall be filed in the office of the secretary of state, and the certificate of said secretary that such alleged acceptance has been so filed shall be *prima facie* evidence of such acceptance.

Approved April 24, 1880.

[Accepted September 15, 1880.]

[1877, 187.]

AN ACT to enable the New York and New England Railroad Company to acquire Terminal Facilities for Freight Purposes. *Chap. 260*

Be it enacted, etc., as follows:

SECTION 1. The New York and New England Railroad Company may buy, as hereinafter provided, for depot and station purposes, shifting grounds, railroad yards, and for the erection of freight houses, warehouses and elevators, and for other like uses and buildings for railroad and shipping terminal facilities, the following described parcels of land and flats, situated in that part of the city of Boston, called South Boston:—

May buy land for railroad and shipping terminal facilities.

First. A parcel known as the twenty-five acre lot, bounded westerly, northerly, and north-easterly by Fort Point Channel and Boston Harbor, south-easterly by the parcel of land and flats known as the fifty acre lot, which the Boston and Albany Railroad Company heretofore contracted to purchase of the Commonwealth, and south-westerly by land of the Boston Wharf Company, subject to the right of the city of Boston to lay out Northern Avenue over said parcel as provided in an indenture of four parts between the Commonwealth, the Boston and Albany Railroad Company, the Boston Wharf Company, and the city of Boston, dated the twenty-fourth day of June, eighteen hundred and seventy-three. For this parcel said New York and New England Railroad Company shall pay the sum of one million of dollars as follows, namely:—twenty-five thousand dollars in cash on or before the first day of June, eighteen hundred and eighty, one hundred and seventy-five thousand dollars on or before the first day of May eighteen hundred and eighty-one, and the remaining eight hundred thousand dollars in ten years thereafter, with interest semi-annually at the rate of four per cent. per annum from the date of said payment of one hundred and seventy-five thousand dollars. And upon the payment of said sum of two hundred thousand dollars, said New York and New England Railroad Company shall have all the rights of the Commonwealth under said indenture to build Northern Avenue bridge and extend Northern Avenue to some existing street on the north-westerly side of Fort Point Channel, for and on account of said city, and to reimbursement therefor from said city, as provided in said indenture. Said railroad company shall also have authority to construct at its own cost, an-

Twenty-five acre lots.

\$1,000,000 to be paid, in instalments.

other dock on said parcel, similar in construction to that now on said parcel. Said railroad company shall also have authority to build, at its own cost, Northern Avenue bridge, in anticipation of action by the said city, subject, however, to all rights of said city under said indenture.

Parcel contain-
ing twelve acres.

Second. A parcel of land and flats containing twelve acres, more or less, and bounded north-easterly by Eastern Avenue, south-easterly by B. Street in said South Boston, southerly by land of Joseph W. Clark and land of said railroad company, and north-westerly by land of the Boston Wharf Company, subject to all rights which the city of Boston or the Boston and Albany Railroad Company have or may have therein under any contracts heretofore made, upon the terms and conditions following, namely:— Said New York and New England Railroad Company shall pay for said parcel the sum of one hundred and eight thousand one hundred and sixty-five dollars into the treasury of the Commonwealth, of which twenty-one thousand six hundred and thirty-three dollars shall be paid on or before the first day of July next and the remaining eighty-six thousand five hundred and thirty-two dollars on or before the first day of July in the year eighteen hundred and ninety with interest thereon payable semi-annually at the rate of four per cent. per annum, and in the event that any portion of said parcel shall be held or acquired before the final payment herein provided by the Boston and Albany Railroad Company under any of the contracts aforesaid there shall be deducted from the purchase money then unpaid by the New York and New England Railroad Company under the provisions of this act an amount equal to twenty cents per square foot for the area so held or acquired. Within three years from the passage of this act said parcel of land shall be filled by said New York and New England Railroad Company to grade thirteen with material dredged from the harbor, and all dredging for such filling shall be to such depth and at such localities as shall be directed by the harbor and land commissioners.

\$108,166 to
be paid, in
instalments.

To be filled to
grade thirteen,
within three
years.

Deed from the
Commonwealth
to be executed
upon com-
pletion of
payments.

SECTION 2. Said New York and New England Railroad Company may, subject to said rights of the Boston and Albany Railroad Company and of the city of Boston, occupy and improve each of said tracts or parcels of land so long as all payments which shall become due upon such parcel under the provisions of this act shall be made as

herein provided, and upon the payment of the whole of the purchase money for either of said parcels, with the interest thereon as the same shall become due as herein provided, the said New York and New England Railroad Company shall receive from the Commonwealth a deed of such parcel, subject to said rights of the Boston and Albany Railroad Company and of the city of Boston, executed and approved as provided by law for deeds of other lands of the Commonwealth.

SECTION 3. For the purpose of getting access to and utilizing either of the said parcels of land, the New York and New England Railroad Company is hereby authorized to locate, construct, maintain and operate railroad tracks across Eastern Avenue in the city of Boston in such manner, whether at grade or otherwise, and under such regulations as the board of aldermen of the city of Boston and the railroad commissioners may prescribe and permit.

Railroad tracks across Eastern Avenue.

SECTION 4. Any junction railroad built for the purpose of connecting the lands and flats of the Commonwealth at South Boston with any existing railroad and connecting its tracks with said New York and New England Railroad may use with its own motive power the tracks of said New York and New England Railroad for the purpose of transporting freight between said point of connection and said lands and flats, in such manner and upon such terms and conditions as the railroad commissioners may prescribe and permit: *provided, however*, that all trains while on the tracks of the New York and New England Railroad shall be subject to its control and direction, in such manner as shall be approved by said commissioners; and the charges of the New York and New England Railroad Company for transportation, and for terminal accommodations on freight going over said New York and New England Railroad to or from said junction railroad may be fixed by the railroad commissioners.

Junction railroad may use tracks of New York and New England Railroad, as the commissioners may permit.

Freight charges may be fixed by the commissioners.

SECTION 5. Said New York and New England Railroad Company shall acquire no rights under this act with regard to either of said parcels of land unless it shall give to the governor and council written notice of its acceptance of the same on or before the first day of June now next ensuing, specifying whether it accepts the same with regard to one or both of said parcels, and said New York and New England Railroad Company shall acquire no right unless within thirty days after such notice it shall also execute

To give notice of acceptance, on or before June 1, 1880, and written agreement to take land to be delivered within thirty days thereafter.

and deliver to the governor and council a written agreement satisfactory to them binding itself to take the parcel or parcels of land specified in said notice and to make the payments therefor and to do the filling thereon required by the terms of this act with regard thereto; nor until it shall have paid into the treasury of the Commonwealth in cash the first payment or payments on the parcel or parcels they may elect to purchase, according to the provisions of the first and second clauses of section one of this act.

SECTION 6. This act shall take effect upon its passage.

Approved April 24, 1880.

[1876, 180.]

Chap. 261 AN ACT to amend Chapter Seventy-seven of the Acts of the Year Eighteen Hundred and Seventy-five relating to the Troy and Greenfield Railroad.

Be it enacted, etc., as follows:

Tolls may be proportionate part of gross receipts.

SECTION 1. The tolls fixed by the governor and council for the use of the Troy and Greenfield Railroad and Hoosac Tunnel, under the provisions of chapter seventy-seven of the acts of eighteen hundred and seventy-five, may be a proportionate part of the gross receipts of the railroad corporation using said railroad and tunnel; for the business done by them on said line or any part thereof.

Manager may contract for operation of road for seven years.

SECTION 2. The manager of the Troy and Greenfield Railroad, by direction of the governor and council, may contract with any railroad corporation or corporations for the operation of the Troy and Greenfield Railroad and Hoosac Tunnel by said corporation or corporations for a term not exceeding seven years: *provided*, that no more compensation therefor shall be allowed to such corporation or corporations than will in the judgment of the governor and council amount to the actual expense of operating the same by said corporation; *provided, however*, that no such contract shall be made which will preclude the use of said railroad and tunnel by other railroad corporations whose roads connect therewith, either directly or over intervening railroads, as provided in statutes eighteen hundred and seventy-five, chapter seventy-seven.

Proviso.

May make contracts for constituting through lines.

SECTION 3. The manager of said railroad may, by direction of the governor and council, make contracts with connecting railroads for the purpose of constituting

through lines, and in making such contracts may agree to accept a *pro rata* of the through rates upon freight and passengers, via such through lines, and may as above represent the Commonwealth on any committee for conducting the business of such lines.

SECTION 4. Nothing herein contained shall be so construed as to invalidate or annul any of the provisions of sections six or eight of said chapter seventy-seven of the acts of the year eighteen hundred and seventy-five.

Provisions of
1876, 77, §§ 6, 8,
not invalidated.

Approved April 24, 1880.

CHANGE OF NAMES OF PERSONS.

In compliance with the 14th section of the 110th chapter of the General Statutes, returns of the following Changes of Names have been received at the Department of the Secretary of the Commonwealth, as decreed by the several Judges of the Probate Courts, in their respective Counties:—

SUFFOLK COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1879.			
Jan. 13, .	Alfred Spurr,*	Frank Leon Phelps,	Boston.
13, .	Julia Sabbath,*	Julia Addie Pike, .	Boston.
Feb. 8, .	Julia Viola Pike, .	Viola Jay Merrill, .	Boston.
8, .	Grace Flowers,*	Helen Edith Aldrich, .	Boston.
8, .	Jennie Richards,*	Grace Phelps Woodbridge,	Boston.
17, .	Daniel Graham,*	William Elmer Clark, .	Boston.
17, .	Hannah Hallason,*	Annie Gwynne Applebee,	Boston.
17, .	Frances Farrell,*	Effie May Bufum, .	Boston.
Mar. 8, .	Helen Allen,*	Helen Lydia Frost, .	Boston.
8, .	Louisa Thomas Chase,*	Louisa Chase Dennett, .	Boston.

CHANGE OF NAMES.

597

Mar. 8, .	William Cody,*	William Boyd Roberts,	Boston.
3, .	Ina Rosabel Marshfield,*	Ina Rosabel Bond,	Boston.
10, .	Josephine A. Murphy,	Josephine A. Ayars,	Boston.
10, .	Henry Grunbaum,	Henry Green,	Boston.
10, .	Julia Grunbaum,	Julia Green,	Boston.
10, .	Warren Drew,*	Warren Abbot Smith,	Boston.
17, .	Minnie Haynes,*	Minnie Abbott Hewett,	Boston.
April 7, .	George Sidney Wheelock,	Sidney Wheelock,	Boston.
14, .	Mary Ann Berdens,*	Anne Platt Kitching,	Boston.
May 5, .	Tina Brown,*	Anne McGlinn,	Boston.
12, .	Henry F. Schnüick,	Henry F. Shaneck,	Boston.
12, .	Herman G. Schnüick,	Herman G. Shaneck,	Boston.
12, .	Frank Burchard,*	Frank Campbell,	Boston.
12, .	Herbert Walton,*	Robert Warren Dill,	Boston.
19, .	Mabel Boyd,*	Mabel Boykin,	Boston.
19, .	Isadora Haley,	Isadora Leavitt,	Boston.
26, .	Jacob Backhaus,	Jacob Becker,	Boston.
June 2, .	Charles Backhaus,	Charles Becker,	Boston.
9, .	Alice Gertrude Patten,	Alice Gertrude Patten Laurie,	Boston.

* Names changed by reason of adoption.

CHANGE OF NAMES.

SUFFOLK COUNTY — Concluded.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1878.			
June 9, .	Herbert Sawyer Patten,	Herbert Sawyer Patten Laurie,	Boston.
16, .	Benjamin McKinstry Willis,	Hamilton Willis, .	Boston.
16, .	John Holland,*	John Holland Driscoll, .	Cambridge.
16, .	Michael Holland,*	Michael Holland Driscoll,	Cambridge.
30, .	Sarah Ann Mabel Kendrick,*	Sarah Ann Mabel Hurie,	Boston.
30, .	Emily Mary Kendrick,*	Emily Mary Kendrick Hurie,	Boston.
30, .	John William Kendrick,*	John William Kendrick Hurie,	Boston.
July 7, .	— —,*	Mabel Kaulbach Balch, .	Boston.
14, .	Earl Moody,*	William Edmund Leggett,	Boston.
14, .	Grace McDonald,*	Grace Belle Dodds,	Boston.
21, .	Marietta —,*	Marietta Guardenier, .	Boston.
28, .	Lizzie May Darrell,*	Elsie Dinmore Keniston,	Boston.
28, .	Samuel Manning,*	Henry Samuel Dodds, .	Boston.
Sept. 1, .	Henry Dubelle,*	Henry Willard Starkey,	Boston.
Oct. 6, .	Mary Brennan,*	Mary Sullivan, .	New York City.
6, .	George Brennan,*	George Sullivan, .	New York City.
13, .	Thomas Prudent Yuerstein,	Thomas Prudent Brown,	Boston.

Oct. 27, .	Emma Justine Cleveland,*	.	Emma Justine Mitchell,	.	Chelsea.
27, .	Mary Wilson,*	.	Nellie Mehitable Davis,	.	Boston.
Nov. 17, .	Mary Carlan,*	.	Mary Elizabeth McCann,	.	Chelsea.
17, .	Maud Hersey,*	.	Lottie Wheeler Clark,	.	Boston.
17, .	Charles Blanchard,*	.	Charles Blanchard Eaton,	.	Boston.
17, .	George Lewis Trott,*	.	George Lewis Smith,	.	Boston.
24, .	Catherine Hughes,*	.	Mabel Elsie Mochmore,	.	Boston.
Dec. 1, .	Samuel Tilden,*	.	Joseph Brett Dennison,*	.	Boston.
8, .	Ellen Louisa Trott,	.	Ellen Louisa Smith,	.	Boston.
8, .	Mary Dyer,*	.	Cora Ann Harris,	.	Boston.
22, .	Anthony Wayne Strouss,	.	Anthony Wayne Strouss,	.	Boston.
22, .	Alice Gertrude Choate,*	.	Eleanor Howard Dean,	.	Boston.
22, .	John Graham or John Grames,	.	John Graham,	.	Boston.

ESSEX COUNTY.

Jan. 13, .	Mary Wilson,*	.	Annie Rose Crocker,	.	Woodstock, N.B.
Feb. 17, .	Katie Cummings,*	.	Kate Blanchard Hill,	.	Jersey City, N.J.
Mar. 10, .	Stephen Francis Mullin,*	.	Stephen Francis Metcalf,	.	Lawrence.

* Names changed by reason of adoption.

ESSEX COUNTY—Continued.

Date of Decree	Original Name.	Name Decreed.	Residence.
1879.			
Mar. 17, .	Esther A. Bowden, *	Alice Atwood Morgan, .	Topsheld.
17, .	Michael Thomas McDermott, .	Thomas Riley McDermott, .	Danvers.
April 7, .	Thomas Gould, 2d, .	Thomas Franklin Gould, .	Topsheld.
14, .	Lewis Brewster Cobb, *	Lewis Brewster Cobb Dolloff, .	Manchester, N.H.
14, .	Maud Estelle McConihe, *	Maud Estelle Kimball, .	Haverhill.
28, .	Mabel Story, *	Mildred Surratt, .	Rockport.
May 19, .	Katie Corbett, *	Katie Corbett Cahill, .	Hendon.
19, .	John Franklin Fall, .	John Franklin Moulton, .	Haverhill.
July 7, .	Florence Ruth Snow, *	Mabel Blanche Fogg, .	New Hampshire.
7, .	Philip Vergnies Learoyd, .	Francis Vergnies Learoyd, .	Maugus.
14, .	Henry L. Kenney, *	Lyall Henry Coulle, .	New Bedford.
Sept. 1, .	Susan McPhee, *	Susan Hodgkins, .	Rockport.
1, .	Ella F. McDuffie, .	Ella F. Eaton, .	Salem.
Oct. 20, .	Carrie Bush, *	Carrie Bush Tappan, .	Ulaten, Penn.
Nov. 3, .	Maud Dyer, *	Myra F. Sherman, .	Lynn.
17, .	Ella Louisa Middlebrook, *	Ella Maud Millward, .	Providence, R.I.
Dec. 15, .	Mabel Lucretia Hadley, *	Jesse Eva Jellison, .	Cambridge.



CHANGE OF NAMES.

601

MIDDLESEX COUNTY.

Jan. 7, .	Ann Maria Girdlestone,*	. . .	Anna Maria Dimond,	. . .	Newton.
14, .	Grace May Wainwright,*	. . .	Grace May Gooding,	. . .	Somerville.
28, .	Nettie Smart,*	. . .	Maud Evelyn Doore,	. . .	Lowell.
28, .	Mary Alice Preston,*	. . .	Mary Alice Hasey,	. . .	Lowell.
Feb. 4, .	George H. Lang,*	. . .	Samuel William Cushing,	. . .	Waltham.
26, .	Frederick Wellington,	. . .	Albert Elbridge Wellington,	. . .	Somerville.
Mar. 4, .	Anne Sullivan,*	. . .	Anne Bell Caverly,	. . .	Lowell.
4, .	Flora Bell Glynn,*	. . .	Flora Bell Stinehart,	. . .	Somerville.
18, .	Anne Baker,*	. . .	Mabel Annie McCoy,	. . .	Lowell.
26, .	Edward Freeman,*	. . .	Fred Freeman Underwood,	. . .	Framingham.
April 1, .	Beatrice Kildruff,*	. . .	Luella Florence McIntire,	. . .	Somerville.
8, .	Manuel Marcant,*	. . .	Wendell Phillips Patterson,	. . .	Newton.
22, .	George Alfred Washburne,*	. . .	George Alfred Williams,	. . .	Lowell.
May 6, .	Mary Reilly,*	. . .	Mary Reilly Scully,	. . .	Malden.
6, .	Albert E. Emery,*	. . .	Albert Edward Hutchins,	. . .	Lexington.
18, .	Catharine Ensign Henry,*	. . .	Catharine Ensign Bigelow,	. . .	Melrose.
20, .	Mary Ellen Eagan,*	. . .	Mary Ellen Shephard,	. . .	Lowell.

* Names changed by reason of adoption.

CHANGE OF NAMES.

MIDDLESEX COUNTY — *Concluded.*

Date of Decree.	Original Name.	Name Decreed.	Residence.
1879.			
May 20, .	Guy Lester Smart,*	Albert Henry Briggs, .	Lowell.
27, .	Gertrude Harrington,*	Gertrude May Weeks, .	Melrose.
20, .	Mabel Conley,*	Mabel May Skiff, .	Marlborough.
27, .	Joseph George Duguay,*	Joseph George Le Blanc,	Lowell.
June 10, .	Alice Drew,*	Alice Drew Proper, .	Lowell.
10, .	William R. Gibbins,*	Henry Alexander Brosseau,	Cambridge.
24, .	Mary Carroll,*	Mary Burns, .	Cambridge.
July 1, .	Lettie Jane Anderson,*	Lettie Jane Burgin, .	Waltham.
8, .	May Belle Henderson,*	May Belle Brooks, .	Somerville.
8, .	Ida Foster Henderson,*	Ida Frances Brooks, .	Somerville.
15, .	Viva Idella Smart,*	Viva Idella Perry, .	Chelmsford.
15, .	Luther Leland,*	Luther Taylor, .	Hopkinton.
Aug. 19, .	Josephine Fuller,*	Josephine Martin, .	Cambridge.
23, .	Frederick Montgomery McKay,*	Frederick McKay Montgomery,	Cambridge.
Oct. 7, .	Nellie Maud Philbrick,*	Ann Maria Searles, .	Billerica.
7, .	Hattie Etta Jones,*	Mary Emma Hartley, .	Melrose.
7, .	Nellie A. Burk,*	Florence Greenwood Taber, .	Malden.

CHANGE OF NAMES.

603

Oct. 7, .	Fannie A. Fulcher,*	.	.	.	Maria Frances Fiske,	.	.	Weston.
14, .	Mary Ellen Ford,*	.	.	.	Grace Evelyn Canl,	.	.	Watertown.
14, .	Daisy Mason,*	.	.	.	Lottie May Thomas,	.	.	Waltham.
28, .	Charles Philbrick,*	.	.	.	Charles Bernard Tufts, .	.	.	Billerica.
Nov. 11, .	Mary Jane Baxter,*	.	.	.	Anna Maria Welch,	.	.	Lowell.
18, .	Charles Hews Greenwood,*	.	.	.	Charles Nason Bramhall,	.	.	Cambridge.
25, .	Maud Ike French,*	.	.	.	Maud French Marshall,	.	.	Lowell.
Dec. 2, .	Madora Hawes,*	.	.	.	Dora Harndon Emerson,	.	.	Wakefield.
9, .	Mabel Frances Durocher,*	.	.	.	Lulu Blanch Marsh,	.	.	Lowell.
23, .	Charles W. Witherell,*	.	.	.	Charles Elliott Currier, .	.	.	Lowell.
23, .	Maud Clifton Pinkham,*	.	.	.	Jennie Etta Clifton,	.	.	Lowell.
May 6, .	George Willard Brown,	.	.	.	Willard Brown,	.	.	Lowell.
Aug. 19, .	Lewis Center Clark,	.	.	.	Edward Lewis Center Clark,	.	.	Cambridge.
Sept. 23, .	Nancy Locke Richmond,	.	.	.	Annie Locke Richmond,	.	.	Lowell.

WORCESTER COUNTY.

Jan. 7, .	Alice E. Waltzo,*	.	.	.	Alice Evelyn Barrows,	.	.	Brookfield.
21, .	James T. Haywood,*	.	.	.	James T. Black,	.	.	Sturbridge.

* Names changed by reason of adoption.

CHANGE OF NAMES.

WORCESTER COUNTY — *Concluded.*

Date of Decree.	Original Name.	Name Decreed.	Residence.
1879.			
Jan. 21, .	Mary Alice Haywood,*	Mary Alice Black, .	Sturbridge.
21, .	Elinor Alice Skinner,*	Alice Elinor Walker, .	Clinton.
Feb. 4, .	Delima Rabert,*	Delia Fovand, .	Dudley.
4, .	Joseph Rabert,*	Joseph Loiselie, .	Webster.
4, .	Sarah Elizabeth Johnson,*	Cora Louise Spencer, .	Uxbridge.
18, .	Margaret Grover,*	Jennie Amy Taft, .	Upton.
25, .	Bertha S. Smith,*	Bertha S. Lewis, .	Fitchburg.
Mar. 18, .	Harvey Clinton York,*	George Hayden Smith, .	Fitchburg.
April 1, .	Moses Wilber Partridge,*	Wilber Partridge Vinton, .	Dudley.
15, .	Mabel Caniff,*	Mabel Fessenden, .	Templeton.
15, .	Etta Coseboon,*	Etta Adelia Chamberlin, .	Southbridge.
15, .	Clifton Eugene Parkman,*	Clifton Eugene Albee, .	Dana.
15, .	Pearl Parker,*	Pearl Parker Buxton, .	Milford.
15, .	Anna Richards,*	Anna R. Brewer, .	Clinton.
May 6, .	Brida Sawyer,*	Lelia Bertha Wood, .	Northborough.
June 8, .	Julia Nellie Kimball,*	Gertrude Tyler Gould, .	Westborough.
24, .	Frank F. Gates,*	Robert Franklin Fairbanks, .	Fitchburg.

July 1, .	Lillian Palfrey,*	.	.	.	Mary Josephine Johnson,	.	Milford.
15, .	Charles Albee Chickering,	.	.	.	Charles Edgar Albee,	.	Dudley.
Sept. 2, .	Hettie Maria Morse,*	.	.	.	Hattie Morse Taylor,	.	Sutton.
Oct. .	Ada Louisa Smith,*	.	.	.	Ada Louisa Battersby,	.	Petersham.
Nov. 16, .	Frank Eugene Preston,*	.	.	.	Frank Preston Bascom,	.	Clinton.
Dec. 10, .	Frank Gilbert Hooper,*	.	.	.	Leon William Doane,	.	Warren.
23, .	— Simonds,*	.	.	.	Ethel Susan Brocklebank,	.	Fitchburg.

HAMPSHIRE COUNTY.

Feb. 4, .	Edmund Clark,*	.	.	.	Edmund Miles,	.	Amherst.
8, .	Henry Eugene Hudson,*	.	.	.	Henry Eugene Rawson,	.	Northampton.
Mar. 4, .	Inez Ema Damon,*	.	.	.	Inez Belle Tileston,	.	Williamsburg.
April 1, .	Jennie Maria Robinson,*	.	.	.	Jennie Adeline Patrill,	.	Greenwich.
May 6, .	Archie M. Phelps,*	.	.	.	Archie Phelps Graves,	.	Hatfield.
Sept. 2, .	Foundling,*	.	.	.	William Edward Mather,	.	Hadley.
2, .	Alice Kershaw,	.	.	.	Alice Holmes,	.	Ware.
Oct. 7, .	Freddie Durand,*	.	.	.	Freddie Randall,	.	Huntington.
7, .	Kate Bakeman,	.	.	.	Kate Conley,	.	Northampton.
Nov. 5, .	Mary Henrietta Blanchard,*	.	.	.	Etta Louise Bliss,	.	Amherst.

* Names changed by reason of adoption.

HAMPTON COUNTY.

Date of Death.	Original Name.	Name Received.	Residence.
1870.			
Feb. 18, .	Cora May Hooper,*	Cora May Galy, .	Springfield.
18, .	Henry Augustine Storey,*	Henry Augustine Mager,	Westfield.
Mar. 4, .	Lucy Clayton Macy,*	Lucy Clayton Brown,	Monam.
10, .	Ethelyn Day Fowler,*	Madie Holcomb, .	Pinfield, Conn.
10, .	Mary Frances Whittlesey,*	Mary Whittlesey Hill,	West Springfield.
April 1, .	Maggie Jarval,*	Margaret Dunsenath,	Holyoke
20, .	Calvin Henry Fuller,*	George Harrison Hattick,	Montgomery.
June 3, .	Arthur Main Huglin,*	Arthur Huglin Whitney,	Chillicothe.
8, .	Mary Almira Elizabeth Lanson, <i>alias</i> Mary Elizabeth Woodward,*	Ethel Clara Penber,	Verona, Conn.
Nov. 5, .	Daisy Mabel Young,*	Mabel Young Titus,	Springfield.
Dec. 2, .	Adelbert Storey,*	Adelbert Shipley, .	Westfield.
2, .	Howard Stanton,*	Howard Mitchell, .	Westfield.
2, .	George Wheelock,*	George Washington Albert Fox,	West Springfield.
2, .	Florence May Jones,*	Emma Elizabeth Witham,	West Springfield.
2, .	Mabel Evelyn Alden,*	Mabel Evelyn Kendall, .	Ludlow.
10, .	Grace Darling Warner,*	Grace Darling Maxwell,	Westfield.

CHANGE OF NAMES.

607

FRANKLIN COUNTY.

Jan. 7, .	Willie Guile,*	.	.	.	Willie Hume,	.	.	Montague.
7, .	Fred. Guile,*	.	.	.	Fred. Hume, .	.	.	Montague.
Feb. 17, .	Martha Sophia Porter,*	.	.	.	Martha Sophia Hall,	.	.	Northfield.
Mar. 4, .	Infant child of Caroline P. Douglass,*	.	.	.	Helen Frances Church, .	.	.	Shutesbury.
11, .	Florence J. Prouty,*	.	.	.	Florence J. Pratt, .	.	.	Orange.
June 17, .	Fred. L. Rawson,*	.	.	.	Fred. L. Phinney, .	.	.	New Salem.
Sept. 2, .	Hattie Mabel McRay,*	.	.	.	Hattie Mabel Hall,	.	.	Deerfield.
9, .	Ellsworth Foster Rich,*	.	.	.	Ellsworth Foster Gardner,	.	.	Orange.
Oct. 7, .	Bessie Casey,*	.	.	.	Bessie Morgan, .	.	.	Montague.
Dec. 2, .	Laura Ninette Wild,*	.	.	.	Laura Ninette Gardner,	.	.	Ashfield.

BERKSHIRE COUNTY.

April 1, .	Timothy W. Welch,*	.	.	.	Timothy W. Pindergrast,	.	.	Dalton.
May 6, .	Imogene Hosford,*	.	.	.	Rebia L. Bowen, .	.	.	Adams.
July 15, .	Etta May Nichols,*	.	.	.	Etta May Lindsay, .	.	.	Pittsfield.
Sept. 2, .	George Shear,*	.	.	.	George Francis Murphy,	.	.	Adams.

* Names changed by reason of adoption.

BERKSHIRE COUNTY — *Concluded.*

Date of Decree.	Original Name.	Name Decreed.	Residence.
1870.			
Sept. 2, .	Sara C. Shook,*	Sara Shook Hutchinson,	Richmond.
8, .	Mary E. Mills,*	Mary E. Harper, .	Great Barrington.
Nov. 5, .	Isabella Gould,*	Isabella Wilson, .	West Stockbridge.
Dec. 2, .	Albert Jones,	Albert J. Richards,	Richmond.

NORFOLK COUNTY.

Jan. 15, .	Edith Johnson,*	Edith Ann Hinkley,	Weymouth.
22, .	Mary Ellen O'Brien,*	Mary Ellen Sullivan,	Hyde Park.
Feb. 12, .	Emma Louisa Zeecher,*	Bertha May Pye, .	Sharon.
Mar. 19, .	Joseph Henry Evoy,*	Joseph Newcomb, .	Norwood.
19, .	Frederick Stone,*	Arthur Trafford Brazeo,	Quincy.
April 2, .	Ellen McLaughlin,*	Nellie Wilmot Parker, .	Stoughton.
July 22, .	Susan Lunt Arnold,*	Susie Lunt Glover,	Quincy.
Sept. 8, .	Annie Bell Newman,*	Annie Bell Partridge, .	Franklin.
24, .	Joseph Henry O'Brien,*	Joseph Henry Sullivan, .	Hyde Park.
Oct. 8, .	Anna Cora White,*	Cora Louisa Gallagher, .	Milton.

Oct. 8, .	Lucy Maria De Forest,*	.	.	Lucy Maria Talbot,	.	.	Quincy.
15, .	Hattie Maria Fernald,*	.	.	Hattie Maria Madan,	.	.	Weymouth.
Nov. 19, .	Mary Brown Noyes,*	.	.	Harriet Allen Bedlington,	.	.	Canton.
Dec. 17, .	Emma Sumner Green,*	.	.	Emma Sumner Cook,	.	.	Foxborough.
BRISTOL COUNTY.							
Jan. 10, .	Alice Mabel Murphy,*	.	.	Alice Mabel Gibbs,	.	.	Easton.
Feb. 7, .	Annie Horton,*	.	.	Annie Horton Rogers,	.	.	Dighton.
14, .	John Francis Healey,*	.	.	John Francis Donahoe,	.	.	Fall River.
21, .	Ellen Scott,*	.	.	Ellen Maria Sherman,	.	.	Dartmouth.
Mar. 14, .	Norman Lionel Brenton,*	.	.	Norman Eli Robbins,	.	.	Attleborough.
14, .	Alice Maud Brenton,*	.	.	Ella Ruggles Crossman,	.	.	Norton.
May 16, .	Carl Henry Roe,*	.	.	Charles Henry Stearns,	.	.	Foxborough.
June 6, .	Nameless child,	.	.	Mary Dugan,	.	.	Fall River.
27, .	Amy Tree Gidley,*	.	.	Amy Tray Royce,	.	.	Dartmouth.
July 11, .	Melsar Merton Peirce,*	.	.	Melsar Merton Dean,	.	.	Taunton.
11, .	George Durfee,	.	.	Thomas Durfee Robinson,	.	.	Fall River.
Sept. 5, .	John Fenwick Baker,	.	.	John Baker,	.	.	Rehoboth.

* Names changed by reason of adoption.

BRISTOL COUNTY — Concluded.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1879.			
Oct. 8, .	Louisa Andrews,*	Lotta Louisa Hardon, . . .	Westport.
8, .	Mary Jane Brown,*	Edith May Colyar, . . .	New Bedford.
Nov. 7, .	Eva Etta Blamore,*	Eva Etta Burlingame, . . .	New Bedford.

PLYMOUTH COUNTY.

Jan. 13, .	Willie Davis,*	William B. Johnson, . . .	Plymouth.
Mar. 10, .	Henry Munroe,*	William A. Rühle, . . .	Plymouth.
10, .	— Walker,*	Bertha Mabel Dobson, . . .	South Abington.
June 9, .	William Sever Harrison,	Alexander Madena Harrison,	Plymouth.
Sept. 8, .	Bertha Gray,*	Bertha Gray Hayes, . . .	Middleborough.
Nov. 24, .	— Turner,*	Grace May Beal, . . .	Pembroke.

BARNSTABLE COUNTY.

Jan. 14, .	Arthur Bingham Collins,	Benajah Bingham Collins, . . .	Mashpee.
Mar. 11, .	Emma Winslow Foster,	Ida Winslow Foster, . . .	Brewster.

Feb. 11, . . .	Fanny Smith Kelley,*	.	.	.	Fanny Kelley Haffards,	.	.	.	Yarmouth.
11, . . .	Clara May Jones,*	.	.	.	Clara May Hincley,	.	.	.	Eastham.
May 19, . .	Simeon W. Fisher,*	.	.	.	Henry H. Baker,	.	.	.	Falmouth.
Oct. 29, . .	Francis Ollar,*	.	.	.	Francis H. Emery,	.	.	.	Provincetown.
Nov. 18, . .	John A. Nickerson,*	.	.	.	John A. Jones,	.	.	.	Falmouth.

* Names changed by reason of adoption.

1881.

Chap. 5 AN ACT to change the Name of the Globe Rubber Company.
Be it enacted, etc., as follows :

Name changed. SECTION 1. The name of the Globe Rubber Company, incorporated in the year eighteen hundred and eighty, is hereby changed to the Prushan Rubber Company.

SECTION 2. This act shall take effect upon its passage.

Approved February 4, 1881.

[1876, 98.]

Chap. 6 AN ACT in addition to An Act to supply the Town of Clinton with Pure Water.

Be it enacted, etc., as follows :

Clinton to be supplied with water.

SECTION 1. Chapter ninety-eight of the acts of the year eighteen hundred and seventy-six, being An Act to supply the town of Clinton with pure water, is hereby revived and continued in force, and the time for the acceptance of the same by the town is extended for a term of three years from the passage of this act.

SECTION 2. This act shall take effect upon its passage.

Approved February 4, 1881.

[1876, 184.]

Chap. 10 AN ACT in relation to Sentences to Imprisonment by the Municipal Courts of the City of Boston.

Be it enacted, etc., as follows :

Imprisonment, etc., in house of industry instead of jail or house of correction, in Boston.

In all cases in which the several municipal courts of the city of Boston are authorized to sentence to imprisonment in the house of correction or county jail, or to commit thereto for non-payment of fine or costs, said courts may instead, at their discretion, sentence to imprisonment in the house of industry of the city of Boston, or commit thereto.

Approved February 9, 1881.

[1881, 62, 261.]

AN ACT to authorize the Peabody and Victoria Mills to open certain Streets in Newburyport for the Purpose of laying Gas-Pipes. *Chap. 12*

Be it enacted, etc., as follows:

SECTION 1. Permission is hereby given to the Peabody and Victoria mills, located in Newburyport, for the purpose of manufacturing cotton goods, to open certain streets in said city which lie between their respective manufactories, for the purpose of laying a line of iron pipe for the conveyance of illuminating gas from one manufactory to the other; *provided*, that the same shall be done agreeably to the provisions mentioned in section fifty-six of chapter two hundred and twenty-four of the acts of the year eighteen hundred and seventy.

May open streets for purpose of laying gas-pipes.

SECTION 2. This act shall take effect upon its passage.

Approved February 9, 1881.

[1880, 245.]

AN ACT to amend Chapter Two Hundred and Forty-five of the Acts of the Year Eighteen Hundred and Eighty concerning the Filing of Location by the Cape Cod Canal Company. *Chap. 13*

Be it enacted, etc., as follows:

SECTION 1. Section three of chapter two hundred and forty-five of the acts of the year eighteen hundred and eighty is hereby amended by striking out in the third line thereof the words "one year," and inserting in the place thereof the words "two years."

Time for filing location, extended.

SECTION 2. This act shall take effect upon its passage.

Approved February 9, 1881.

[1872, 143, 295; 1873, 9, 146, 187, 324; 1874, 55, 63, 183, 213; 1876, 40, 135; 1877, 9; 1878, 150; 1879, 140; 1880, 238, 245.]

AN ACT to authorize the Old Colony Railroad Company to take Land for Additional Tracks in Fall River. *Chap. 14*

Be it enacted, etc., as follows:

SECTION 1. The Old Colony Railroad Company may construct and maintain such additional railroad track or tracks as it may think fit, on or adjoining the location of its main railroad, for any part or the whole of the distance between Somerset Junction in the northerly part of the city of Fall River, and the station of said company at Ferry Street in Fall River, and for said purpose may purchase or take land, not exceeding two rods in width, in addition to its existing location. A location in the form

May take land in Fall River for railroad tracks.

Location to be

filed within one year.

Powers and duties.

provided by law shall be filed within one year from the passage of this act.

SECTION 2. In the exercise of the powers granted by this act said Old Colony Railroad Company, and any person or corporation who shall sustain any damage in their property, shall have all the rights, privileges and remedies, and be subject to all the duties, liabilities and restrictions provided by the general laws of the Commonwealth in the like case.

SECTION 3. This act shall take effect upon its passage.

Approved February 9, 1881.

[1852, 93; 1876, 25.]

Chap. 15 AN ACT to change the Time of the Annual Meeting of the Massachusetts College of Pharmacy.

Be it enacted, etc., as follows :

Annual meeting to be held on the first Monday in June.

SECTION 1. Section three of chapter ninety-three of the acts of the year eighteen hundred and fifty-two, incorporating the Massachusetts College of Pharmacy, and section one of chapter twenty-five of the acts of the year eighteen hundred and seventy-six, continuing said corporation, are amended by substituting the first Monday in June for the first Monday in March of each year as the time for holding the annual meeting.

SECTION 2. This act shall take effect upon its passage.

Approved February 9, 1881.

Chap. 19 AN ACT to amend the Certificate of Incorporation of the Supreme Council of the Home Circle.

Be it enacted, etc., as follows :

Charter amended.

SECTION 1. The certificate of incorporation of the Supreme Council of the Home Circle, dated the thirteenth day of January eighteen hundred and eighty, is hereby amended so that the purpose therein expressed shall read as follows : — “ For the purpose of organizing and uniting in fraternal union all acceptable members of the order known as the Royal Arcanum, their friends, wives, mothers, sisters and daughters ; to aid and assist its members and educate them socially, morally and intellectually ; to establish a benefit fund from which, on the satisfactory evidence of the death of a member, who has complied with its lawful requirements, a sum not exceeding five

thousand dollars shall be paid to the family, orphans, or dependents, as the member shall have directed."

SECTION 2. This act shall take effect upon its passage.

Approved February 16, 1881.

AN ACT to change the Name of the Farmer and Gardner Manufacturing Company.

Chap. 20

Be it enacted, etc., as follows :

The Farmer and Gardner Manufacturing Company, a corporation established in Springfield under the general laws, shall be known as the Springfield Sewing Machine Company on and after the first day of March in the year eighteen hundred and eighty-one, at which date this act shall take effect.

Name changed.

Approved February 16, 1881.

AN ACT authorizing the Town of Swampscott to pay a certain Claim to John P. Palmer.

Chap. 21

Be it enacted, etc., as follows :

SECTION 1. The inhabitants of the town of Swampscott are hereby authorized and empowered to pay the claim of John P. Palmer against said inhabitants for money disbursed in providing recruits to fill the quota of said town in the year eighteen hundred and sixty-four, in accordance with the vote of the said town passed March eighteenth, eighteen hundred and eighty: *provided*, that at a legal meeting of said town, to be hereafter called, a majority shall vote to pay the same.

Town may pay claim of John P. Palmer.

SECTION 2. This act shall take effect upon its passage.

Approved February 16, 1881.

[1880, 107.]

AN ACT in relation to holding Funds contributed for the Relief of Members of the Boston Protective Department and their Families.

Chap. 22

Be it enacted, etc., as follows :

SECTION 1. The provisions of section four of chapter one hundred and seven of the acts of the year eighteen hundred and eighty, being "An Act in relation to pensioning disabled members of the fire department of the city of Boston and for other purposes," shall be held to apply to the members of the Boston Protective Department in the same manner and to the same extent as to the members of the fire department.

Disabled members of department may be pensioned.

SECTION 2. This act shall take effect upon its passage.

Approved February 16, 1881.

[1824, 44; 1827, 37; 1832, 50; 1837, 10; 1850, 65; 1877, 10.]

Chap. 24 AN ACT to authorize the Hamilton Manufacturing Company to increase its Capital Stock.

Be it enacted, etc., as follows:

May increase
capital stock.

SECTION 1. The Hamilton Manufacturing Company in the city of Lowell is hereby authorized to increase its capital stock to an amount not exceeding eighteen hundred thousand dollars, and to invest such portions thereof in real and personal estate as may be necessary and convenient for carrying on its business.

SECTION 2. This act shall take effect upon its passage.

Approved February 18, 1881.

[1877, 192; 1879, 252.]

Chap. 26 AN ACT to amend Chapter Two Hundred and Fifty-two of the Acts of the Year Eighteen Hundred and Seventy-nine entitled "An Act for the Benefit of Indigent Soldiers and Sailors."

Be it enacted, etc., as follows:

State aid for
indigent soldiers
and sailors.

SECTION 1. Any person who may be debarred from receiving state aid under chapter two hundred and fifty-two of the acts of the year eighteen hundred and seventy-nine, by reason of having no settlement under the pauper laws, but who shall have served in the army or navy of the United States as a part of the quota at large of this Commonwealth and shall have been honorably discharged from such service and shall have resided in this state for one year prior to the date of his application for aid under this act, may be allowed such state aid by the city or town in which such person resides, in the manner provided by said chapter.

Re-imburse-
ment to cities
and towns.

SECTION 2. The full sums expended by cities or towns under this act shall be re-imbursed from the treasury of the Commonwealth to such cities or towns under the same regulations as to proof and reports as are required for other payments of state aid. *Approved February 23, 1881.*

[1860, 153.]

Chap. 29 AN ACT to authorize the Home for Aged Men to hold Additional Real and Personal Estate.

Be it enacted, etc., as follows:

Additional real
and personal
estate.

SECTION 1. The Home for Aged Men is authorized to hold real and personal estate for the purposes named in its act of incorporation, chapter one hundred and fifty-three

of the acts of the year eighteen hundred and sixty, to an amount not exceeding in the whole five hundred thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 23, 1881.

AN ACT to change the Name of the Alden Emery Company.

Chap. 30

Be it enacted, etc., as follows:

The Alden Emery Company, a corporation chartered in this Commonwealth, shall be known as the Walpole Emery Mills, on and after March first in the year of our Lord eighteen hundred and eighty-one; and this act shall take effect upon that date.

Name changed.

Approved February 23, 1881.

[1835, 19.]

AN ACT to change the Name of the Holmes Hole Union Wharf Company.

Chap. 31

Be it enacted, etc., as follows:

The Holmes Hole Union Wharf Company, a corporation chartered in this Commonwealth, shall be known as the Vineyard Haven Wharf Company after the fifteenth day of March in the year of our Lord eighteen hundred and eighty-one; and this act shall take effect upon that date.

Name changed.

Approved February 23, 1881.

[1860, 91; 1879, 137.]

AN ACT to amend "An Act to incorporate the Nine-Mile Pond Fishing Company."

Chap. 32

Be it enacted, etc., as follows:

SECTION 1. Chapter ninety-one of the acts of the year one thousand eight hundred and sixty, entitled "An Act to incorporate the Nine-Mile Pond Fishing Company," is amended in the sixth line of section two by inserting after the word "outlet," the words "or the stream leading from said outlet to the sea."

Amendment to 1860, 91, § 2.

SECTION 2. The rights of riparian owners shall not be affected by this act.

Rights of riparian owners.

SECTION 3. This act shall take effect upon its passage.

Approved February 23, 1881.

AN ACT to incorporate the Massachusetts Fish Exchange.

Chap. 35

Be it enacted, etc., as follows:

SECTION 1. Augustus Winsor, Franklin B. Rogers, Paran H. Prior, Freeman Emery and Moses W. Haskins,

Corporators.

Name and purpose. and their associates, may associate themselves and organize a corporation according to the provisions of chapter two hundred and twenty-four of the acts of the year eighteen hundred and seventy, and the acts in amendment thereof, and in addition thereto, to be known as the Massachusetts Fish Exchange, for the purpose of buying, owning, leasing and holding real estate, wharf and dock property, to be used in facilitating the catching, curing, buying and selling of fish in all its varieties.

SECTION 2. This act shall take effect upon its passage.

Approved February 25, 1881.

Chap. 36 AN ACT to confirm Certain Acts done by Matthew J. McCafferty as a Justice of the Peace.

Be it enacted, etc., as follows :

Acts as a justice of the peace, confirmed.

SECTION 1. All acts done by Matthew James McCafferty, as a justice of the peace within and for the county of Worcester, between April thirtieth in the year eighteen hundred and seventy-nine and the seventh day of September in the year eighteen hundred and eighty, are hereby made valid and confirmed to the same extent as they would have been valid had he been during that interval duly qualified to discharge the duties of said office.

SECTION 2. This act shall take effect upon its passage.

Approved February 25, 1881.

[1878, 124.]

Chap. 37 AN ACT to authorize the Town of Brockton to issue Additional Water Scrip, and to Limit the Amount thereof.

Be it enacted, etc., as follows :

Brockton water loan may be increased.

SECTION 1. The town of Brockton, for the purposes mentioned in section four of chapter one hundred and twenty-four of the acts of the year eighteen hundred and seventy-eight, may issue notes, bonds or scrip from time to time, signed by the treasurer and countersigned by the chairman of the selectmen, to be denominated on the face thereof "Brockton Water Loan," to an amount not exceeding fifty thousand dollars, in addition to the amount therein authorized, to be issued upon like terms and conditions, and with like powers in all respects, as are provided in said act for the issue of securities of "Brockton Water Loan" by said town : *provided*, that the whole amount of such water notes, bonds or scrip, issued by said town under

the authority given by this act and by all other acts, shall not in any event exceed the amount of one hundred and seventy thousand dollars.

SECTION 2. This act shall take effect if accepted within one year from the date of its passage by a vote of two-thirds of the legal voters of said town present and voting thereon at a legal meeting called for that purpose.

Approved February 25, 1881.

[Accepted March 8, 1881.]

[1872, 229; 1876, 103; 1877, 109; 1879, 47.]

AN ACT to regulate the Taking of Fish in North River in the County of Plymouth. *Chap. 44*

Be it enacted, etc., as follows:

SECTION 1. The inhabitants of the town of Pembroke are hereby permitted to take fish at the weir where they have usually caught them, on the North River, so called, or stream leading to the Indian Ponds, so called, in said town, on any secular day of the week, and at any hour of the day, and at no other time.

Inhabitants may take fish as heretofore.

SECTION 2. No person or persons shall take fish from the stream leading from said North River to the said Indian Ponds, or streams tributary to the North River, excepting at the weir above mentioned, at any time between the tenth day of April and the fifteenth day of May inclusive, of each year.

Fish not to be taken between April 10 and May 15.

SECTION 3. The selectmen or committee for the time being, of the town of Pembroke, shall, from the first running of alewives, after the tenth day of April in each year, take and deposit alive, in good condition, in Indian Ponds in said Pembroke, not less than ten thousand alewives, so they may cast their spawn in said ponds; and the expense of the same shall be borne in equal shares by the towns of Pembroke, Marshfield, Scituate and South Scituate, and said towns are hereby permitted to raise money for the same.

Alewives to be deposited in ponds.

SECTION 4. It shall be lawful for the inhabitants of the several towns on North River to take fish on Mondays, Wednesdays and Fridays of each week, from April first to June first inclusive, of each year, with ten seines only in the manner following, to wit: The towns of South Scituate, Scituate and Pembroke shall each have the right of disposing at public auction for their own benefit, of the privilege of catching fish with two seines only, and the

Rights of towns on river to take fish.

town of Marshfield the right of disposing at public auction for their own benefit, of the privilege of catching fish with four seines only, in the river aforesaid.

Rights of inhabitants of Hanson.

SECTION 5. It shall be lawful for the inhabitants of the town of Hanson to take fish from Indian Head River on Mondays, Wednesdays and Fridays of each week, from April first to June first inclusive, of each year: *provided*, said inhabitants shall not be allowed to take fish at any time from said Indian Head River within eighty rods of the mouth of said river.

Penalties.

SECTION 6. Any person or persons who may by seine or mesh net take fish from the said North River, except such persons as have authority under this act, shall be punished for each offence by a fine not less than twenty-five nor more than one hundred dollars, or by imprisonment in the house of correction not less than one nor more than three months.

Repeal.
1872, 220.

SECTION 7. Chapter two hundred and twenty-nine of the acts of the year eighteen hundred and seventy-two, and all other acts and parts of acts inconsistent with this act, are hereby repealed.

SECTION 8. This act shall take effect upon its passage.

Approved March 2, 1881.

[1876, 107.]

Chap. 45 AN ACT to amend "An Act to authorize the County Commissioners of the County of Essex to lay out a Highway and construct a Bridge over Ipswich River."

Be it enacted, etc., as follows:

May construct bridge without a draw.

SECTION 1. Section one of chapter one hundred and seven of the acts of the year eighteen hundred and seventy-six is hereby amended by striking out after the word "bridge," in the fourth line, the words "and draw," and inserting the words "without a draw."

SECTION 2. This act shall take effect upon its passage.

Approved March 2, 1881.

[1842, 75.]

Chap. 46 AN ACT to amend the "Act to incorporate the Long Pond Fishing Company in Yarmouth."

Be it enacted, etc., as follows:

Charter amended.

SECTION 1. The act to incorporate the Long Pond Fishing Company in Yarmouth, being chapter seventy-five

of the acts of the year eighteen hundred and forty-two, is hereby amended as follows:—In the first section, seventh line, after the word “alewife,” insert the words “and white perch.” In the second section, second line, after the word “alewives,” insert the words “or white perch;” after the word “ponds,” in the third line of said section, insert the words “or Parker’s River;” after the words “so made,” in said line, the words “or within five hundred yards from the mouth of said river;” and in the fifth line of said section, strike out the word “two,” and insert in lieu thereof the word “twenty;” and in the eighth line of said section, strike out the word “five,” and insert the word “fifty.”

SECTION 2. The rights of riparian owners shall not be affected by this act. Riparian owners.

SECTION 3. This act shall take effect upon its passage.

Approved March 2, 1881.

[1878, 224.]

AN ACT to amend the Law regulating Fishing in Connecticut River and its Tributaries. Chap. 47

Be it enacted, etc., as follows:

SECTION 1. Any person who shall take or aid or assist in taking from the Connecticut River or any of its tributaries, within the limits of this Commonwealth, any shad or alewives at any other time than between the fifteenth day of March and the first day of July in each year, shall forfeit and pay for each offence the sum of one hundred dollars. Shad and alewife fishery in Connecticut River.

SECTION 2. Section three of chapter seventy-six of the acts of the year eighteen hundred and sixty-nine is hereby amended by striking out the words “fifteenth day of June in each year, the meshes whereof are less than five,” in the eighteenth and nineteenth lines, and inserting the words “first day of July in each year, the meshes whereof are less than two,” in place thereof. Amendment to 1869, 76, § 3.

SECTION 3. Chapter three hundred and sixty-nine of the acts of the year eighteen hundred and seventy, and all acts and parts of acts inconsistent with this act, are hereby repealed. Repeal. 1870, 260.

SECTION 4. This act shall take effect upon its passage.

Approved March 2, 1881.

Chap. 48 AN ACT for the Consolidation of the Nantasket Beach, the Hull and Nantasket Beach, and the Boston, Hingham and Hull, Railroad Companies.

Be it enacted, etc., as follows :

May consolidate
and form one
corporation.

SECTION 1. The Nantasket Beach Railroad Company, the Hull and Nantasket Beach Railroad Company, and the Boston, Hingham and Hull Railroad Company are hereby authorized, at such time and on such terms as may be mutually agreed upon and approved by a majority of the votes of the stockholders of each of said corporations, at meetings regularly warned for the purpose, to unite and form one corporation to be called the Nantasket Beach Railroad Company.

Powers and
duties.

SECTION 2. The corporation formed as aforesaid shall have, hold, possess and enjoy all the powers, privileges, rights, franchises, property and estates which at the time of the union may be held and enjoyed by the existing corporations, and be subject to all the duties, restrictions, obligations and liabilities to which at the time of the union said corporations are subject in severalty, and all suits at law or in equity, and all proceedings before any tribunal which may be pending, to which either corporation shall be a party, may be prosecuted and defended by said consolidated corporation in like manner and with the same effect as might have been done had such union not been formed.

First meeting of
corporation.

SECTION 3. The first meeting of the corporation hereby authorized shall be called by the presidents of the three corporations composing its parts, and of the time and place of said meeting seven days' notice shall be given by publication in one newspaper in Boston and one in Hingham, and at such meetings persons holding stock in either of said corporations shall be entitled to vote in like manner as they would have been if said corporations had convened separately.

Capital stock.

SECTION 4. The original capital stock of the consolidated corporation shall not exceed in amount the united capital stock of the three component corporations as at present established in accordance with law.

Privileges and
franchises.

SECTION 5. The said consolidated corporation when organized shall have all the rights, powers, privileges and franchises, and be subject to all the duties, liabilities, obligations and restrictions conferred and imposed upon railroad corporations organized under the general law.

SECTION 6. This act shall take effect upon its passage.

Approved March 2, 1881.

[1879, 99; 1880, 26.]

AN ACT authorizing the New Haven and Northampton Company to issue Bonds. *Chap. 49*

Be it enacted, etc., as follows:

SECTION 1. The New Haven and Northampton Company is authorized, for the purpose of paying its floating debt and completing its railroad, to issue its bonds to an amount not exceeding seven hundred thousand dollars, signed by its president, and countersigned by its treasurer, upon being thereto empowered by a majority of the votes of its stockholders at a meeting called for the purpose. Said bonds shall be for one thousand dollars each, payable not more than forty years from date, and bearing interest not exceeding six per centum per annum, payable semi-annually.

May issue
bonds, not
exceeding
\$700,000.

SECTION 2. Said New Haven and Northampton Company may secure said bonds by a mortgage of its railroad from Northampton to the Troy and Greenfield Railroad, and from South Deerfield to Turner's Falls, constructed under authority given in chapter twenty-six of the acts of the year one thousand eight hundred and eighty, together with the stations, rolling-stock, equipment, property, and franchises thereto belonging, wherever situate, to trustees for the holders of said bonds.

May secure
bonds by mort-
gage of road.

SECTION 3. This act shall take effect upon its passage.

Approved March 2, 1881.

AN ACT to authorize the Haverhill and Groveland Street Railway Company to establish and maintain a Ferry across Merrimack River. *Chap. 50*

Be it enacted, etc., as follows:

SECTION 1. The Haverhill and Groveland Street Railway Company is hereby authorized and empowered to establish a ferry for passengers across the Merrimack River between the city of Haverhill and the town of Groveland in the county of Essex, near the iron bridge between said city and town, and to maintain such ferry so long as said bridge remains closed to public travel.

May maintain
ferry while
bridge is closed
to travel.

SECTION 2. The said company is authorized to collect fare not exceeding two cents from each passenger at said ferry, and, except as herein provided, shall have all the rights and privileges and be subject to all the liabilities and restrictions set forth in the forty-seventh chapter of the General Statutes.

Rates of fare.

Approved March 2, 1881.

[1814, 172.]

Chap. 53 AN ACT in addition to "An Act to incorporate the Central Wharf and Wet Dock Corporation."*Be it enacted, etc., as follows:*Central Wharf
and Wet Dock
Corporation.

SECTION 1. The property and estate now held by the Central Wharf and Wet Dock Corporation shall, upon the acceptance of this act, in the manner hereinafter provided, be vested in the corporation; to be held, leased, managed, improved and disposed of as it may deem for its interest, and the capital of said corporation shall be divided into four thousand shares of the par value of one hundred dollars each, which shares shall be deemed personal property, and shall be held, transferred and disposed of as such, subject to assessment as provided in the charter of said corporation.

Certificates of
shares to be
issued to pro-
prietors propor-
tionate to in-
terest in the
property.

SECTION 2. Upon the acceptance of this act, as herein-after provided, the corporation shall issue to each proprietor a certificate of so many of said shares as shall be proportionate to his interest in the corporate property: *provided, however,* if the interest of any proprietor cannot be represented by a certain number of such shares, that the corporation may purchase of such proprietor his fractional part of a share. The corporation may by their by-laws prescribe the form of certificates and mode of transfer of shares.

To be issued
to trustees,
guardians, etc.

SECTION 3. In case any interest in said corporate property shall, at the time of the acceptance of this act, be held by trustees, executors, or persons who are or may be under guardianship, such trustees, executors, and the guardians of such persons, are hereby authorized to receive, in lieu thereof, certificates of so many of the new shares as shall represent and be equal to their respective interests: *provided, however,* that the new shares so received shall be taken and held by them respectively upon the same trusts and for the same uses and purposes, and subject to the same limitations, as the interest previously held by them; and *provided, also,* that such trustees, executors, and guardians shall give sufficient bond to the judge of the probate court for the county in which they respectively shall have been appointed, or, in case their appointment shall have been by deed, to the judge of the probate court for the county of Suffolk, to hold and account for said shares and the proceeds of said shares according to the terms of their respective trusts; but said bond may be

Proviso.

Proviso.

dispensed with, whenever the said trustees, executors, or guardians shall have previously given bonds sufficient in the opinion of said judge of the probate court to secure the proper appropriation of said shares, or whenever the giving of a bond with sureties shall have been dispensed with in the instrument creating the trust, or whenever all persons interested in the trust fund, being of full age and legal capacity, certify to the judge of the probate court their consent that no bond shall be required.

SECTION 4. In case any interest in the said corporate property shall, at the time of the acceptance of this act, be held by any married man, in which his wife has an inchoate right of dower, the certificates to be issued in lieu thereof shall state that the shares for which they were issued are subject to such right of dower; and the wife shall have the same rights in the income of said new shares as she would have had if the interest of her husband in the said corporation had continued to be real estate: *provided, however*, a wife may release her right of dower in any of said shares by uniting with her husband in a transfer thereof, and whenever the right of dower in any such shares shall have been once terminated by such transfer, or by death, or operation of law, the shares so issued shall thereafter have all the incidents of personal property. Right of dower.

SECTION 5. In case any interest in said corporate property shall, at the time of the acceptance of this act, belong to persons having different or separate interests therein, or in case an estate for life or a term of years in the same belongs to one person, and the remainder or reversion belongs to another, and there is no trustee capable of taking the same, said new certificates shall be issued to such person or persons as all having an interest therein shall, by an instrument in writing filed with the corporation, join in appointing to take the same: *provided, however*, if any of the persons having an interest in said property shall by reason of legal disability be incapacitated from choosing a trustee, or if persons not in being have an interest therein, the probate court for the county of Suffolk shall upon application appoint some suitable person as trustee; and the person so appointed shall, before entering upon the duties of his trust, give a bond to the judge of said probate court, with sufficient surety or sureties, in such penal sum as the judge directs, conditioned for the faithful perform- Estate for life or term of years.

Proviso.

ance of his duties in appropriating the income and principal of said shares, in the same manner that the interest or proportion of the corporate property for which they were issued would have been appropriated had that interest remained real estate; which bond, upon breach of its condition, may be put in suit by order of the probate court for the use and benefit of the persons interested in the trust property, in like manner as is provided in the case of bonds given by executors.

Tenant by the
curtesy.

SECTION 6. In case any interest in said corporate property shall be owned by any married woman, and in case her husband shall have a tenancy by the curtesy initiate therein, the certificates to be issued in lieu thereof shall state that the shares for which they were issued are subject to such right of curtesy; and the husband shall have the same interest in the new shares as he would have had if the interest of his wife in the said corporate property had continued to be real estate: *provided, however*, a husband may release his right of curtesy in any of said shares by uniting with his wife in a transfer thereof, and whenever the right of curtesy in any of said shares shall have been once terminated by such transfer, or by death, or by operation of law, the shares so issued shall thereafter have all the incidents of personal property.

Proviso.

May purchase
additional real
estate.

SECTION 7. Said corporation may purchase additional real estate lying east of Atlantic Avenue in Boston, in Suffolk County, of not more than two hundred and fifty thousand dollars in value when purchased, and may hold the same for the purposes of the corporation; and may, at a meeting called for the purpose, increase the whole number of its shares of the par value aforesaid, to the number of seven thousand five hundred shares, for the purpose of paying for such additional real estate and improving or extending the wharf property which it now owns, or may hereafter lawfully acquire, but for no other purpose.

Subject to
acceptance by a
two-thirds vote
in interest.

SECTION 8. Except to authorize the holding of a meeting, as hereinafter provided, this act shall be of no effect until the same is accepted by the corporation at a meeting duly called for the purpose, and by vote of at least two-thirds in interest; but for the purpose of authorizing the holding of said meeting, it shall take effect upon its passage, and the whole act shall take full effect upon its acceptance: *provided, however*, that such acceptance of this act shall be held to make the said corporation subject in all

respects to the provisions of section forty-one of chapter sixty-eight of the General Statutes.

Approved March 2, 1881.

[1879, 189.]

AN ACT in addition to "An Act to incorporate the Hingham Water Company." Chap. 59

Be it enacted, etc., as follows:

SECTION 1. The Hingham Water Company is hereby authorized to extend its water pipes or conduits through the towns of Hull and Cohasset, or any parts thereof, for the purpose of supplying the inhabitants of said towns, respectively, with pure water for the extinguishment of fires, generation of steam, domestic and other purposes; and it shall have the same privileges, rights and powers in and for these localities that are granted it by chapter one hundred and thirty-nine of the acts of the year eighteen hundred and seventy-nine in and for the town of Hingham: *provided*, that whenever for any reason the supply of water shall not be more than sufficient for the needs of the residents of the towns of Hingham and Hull, the residents of the towns of Hingham and Hull shall be first supplied; and *provided, further*, that whenever for any reason the supply of water shall not be more than sufficient for the needs of the residents of the town of Hingham, the residents of the town of Hingham shall be first supplied.

May extend
water pipes
through Hull
and Cohasset.

Proviso.

Proviso.

SECTION 2. Said corporation shall within ninety days after the taking of any land under this act, otherwise than by purchase, file in the registry of deeds for the county in which the land so taken lies, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same is taken, signed by the president of the corporation; and the title of the land so taken shall vest in the said corporation.

To file in the
registry of deeds
a description of
the land taken.

SECTION 3. Said corporation may make such contracts with the towns of Hull and Cohasset, respectively, to supply water for fire or other purposes, as may be agreed upon by said towns, respectively, and said corporation.

Water supply
for Hull and
Cohasset.

SECTION 4. Any person or corporation injured in property by any of the acts of said corporation under this act, and failing to agree with said corporation as to the amount of damages, may have the same assessed and determined in the manner provided when land is taken for highways.

Assessment of
damages.

Hingham may
purchase cor-
porate prop-
erty, etc.

There shall be the same limitation as to the time in which suits for injury to person shall be brought, as is provided in section four of said chapter one hundred and thirty-nine of the acts of the year eighteen hundred and seventy-nine, and the same forfeitures, payments, fines and penalties for the destruction or injury of the works or property held, owned or used by said corporation, under the authority of and used for the purposes of this act, as are provided in section five of said act; and the town of Hingham shall have the same right to purchase the corporate property and rights acquired by said corporation under this act; and, in case of purchase, the same rights to issue notes, bonds, scrip or certificates of debt, and to sell or pledge the same, or any part thereof, and be subject to the same liabilities, and have the same powers, as are provided in said former act.

SECTION 5. This act shall take effect upon its passage.

Approved March 3, 1881

Chap. 60 AN ACT to incorporate the Brockton Savings Bank in the Town of Brockton.

Be it enacted, etc., as follows :

Corporators.

Name.

Powers and
duties.

SECTION 1. J. J. Whipple, W. W. Cross, Davis S. Packard, L. F. Severance, E. H. Joslyn, D. S. Volman, Henry A. Ford, Henry E. Lincoln, George E. Freeman, Ziba C. Keith, George E. Keith, Loring W. Puffer, B. O. Caldwell, Sanford Winter, H. H. Packard, their associates and successors, are hereby made a corporation by the name of the Brockton Savings Bank, to be located in the town of Brockton; with all the powers and privileges and subject to all the duties, liabilities and restrictions set forth in the general laws which now are or may hereafter be in force relating to savings banks and institutions for savings.

SECTION 2. This act shall take effect upon its passage.

Approved March 3, 1881.

Chap. 61 AN ACT to incorporate the Mechanics' Exchange.

Be it enacted, etc., as follows :

Corporators.

Name and
purpose.

SECTION 1. Leonard F. Creesey, David Perkins, Benjamin D. Whitcomb, their associates and successors are hereby made a corporation by the name of the Mechanics' Exchange, for the purpose of establishing, providing, hold

ing and managing a mechanics' exchange in the city of Boston, for the use and convenience of the members of said corporation; with all the powers and privileges and subject to all the duties, liabilities and restrictions set forth in all the general laws which now are or may hereafter be in force applicable to such corporations: *provided*, that nothing in this act contained shall be construed to authorize said corporation to traffic in goods, wares or merchandise of any description.

Powers and duties.

Proviso.

SECTION 2. Said corporation may for the purpose aforesaid hold real and personal estate, not exceeding one hundred and fifty thousand dollars in value, to be devoted exclusively to the purposes of said corporation.

Real and personal estate.

SECTION 3. No assessment shall be laid upon the members of said corporation to exceed fifty dollars per annum.

Assessments not to exceed \$50 a year.

SECTION 4. This act shall take effect upon its passage.

Approved March 5, 1881.

[1876, 184.]

AN ACT relating to the Assistant Clerks of the Municipal Court of the City of Boston, for the Transaction of Criminal Business.

Chap. 62

Be it enacted, etc., as follows:

SECTION 1. The clerk of the municipal court of the city of Boston, for the transaction of criminal business, may, subject to the approval of the justices of said court or a majority of them, appoint an additional assistant clerk for said court, who shall be known as the fourth assistant clerk, and who shall receive an annual salary of fourteen hundred dollars; all provisions of existing laws relating to the appointment, removal, payment, authority and qualifications of the present assistant clerks of said court, shall apply to said fourth assistant clerk.

Additional assistant clerk may be appointed.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed.

Repeal.

SECTION 3. This act shall take effect upon its passage.

Approved March 5, 1881.

[1881, 261.]

[1879, 152.]

AN ACT to amend "An Act to incorporate the International Trust Company."

Chap. 67

Be it enacted, etc., as follows:

SECTION 1. Section five of chapter one hundred and fifty-two of the acts of the year one thousand eight hun-

May invest moneys as savings banks are

allowed to
invest.

dred and seventy-nine is hereby amended by adding to said section the following:— And said corporation may also invest all moneys held by it in trust in any other securities in which savings banks are now or may be hereafter allowed to invest.

Repeal of 1879,
152, § 3.

SECTION 2. Section three of chapter one hundred and fifty-two of the acts of the year one thousand eight hundred and seventy-nine is hereby repealed.

Returns to be
published.

SECTION 3. The returns of said corporation required to be made to the commissioners of savings banks shall be published in a newspaper of the city of Boston at the expense of said corporation, and in the annual report of said commissioners.

Subject to
acceptance.

SECTION 4. This act shall take effect upon its acceptance by said corporation, which acceptance, with the date thereof, shall within ten days thereafter be certified by the president to the secretary of the Commonwealth.

Approved March 7, 1881.

[Accepted March 17, 1881.]

[1878, 240; 1880, 235.]

Chap. 72 AN ACT in addition to "An Act to incorporate the Newburyport Water Company."

Be it enacted, etc., as follows:

Water supply
for Newbury-
port.

SECTION 1. The city of Newburyport is hereby authorized to contract with the Newburyport Water Company for a supply of water, for purposes other than fire purposes, for a term of years.

SECTION 2. This act shall take effect upon its passage.

Approved March 8, 1881.

[1879, 149.]

Chap. 73 AN ACT to amend "An Act in relation to Licensing Vehicles to convey Persons to and from the State Muster-field in the Town of Framingham."

Be it enacted, etc., as follows:

Fee for license.

SECTION 1. Section one of chapter one hundred and forty-nine of the acts of the year eighteen hundred and seventy-nine, entitled "An Act in relation to licensing vehicles to convey persons to and from the state muster-field in the town of Framingham," is amended by striking out in the eighth line thereof the words "twenty-five cents," and inserting the words "five dollars."

SECTION 2. This act shall take effect upon its passage.

Approved March 8, 1881.

AN ACT to incorporate Saint John's Church, Boston Highlands.

Chap. 74

Be it enacted, etc., as follows:

SECTION 1. The religious society and organization now known as the Rector, Churchwardens, and Vestrymen of Saint John's Church, Boston Highlands, is hereby made a legal corporation, and its doings and records confirmed and made valid, any thing in the manner of its organization to the contrary notwithstanding.

St. John's
Church incor-
porated.

SECTION 2. Said corporation shall have power to hold real estate to an amount not exceeding one hundred thousand dollars for the purpose of its organization, to wit: to maintain the worship of Almighty God according to the faith and discipline of the Protestant Episcopal Church of the United States of America, and shall have the powers, rights and privileges, and be subject to the limitations, duties and restrictions, which by law appertain to such corporations.

Real estate not
to exceed
\$100,000.

SECTION 3. This act shall take effect upon its passage.

Approved March 8, 1881.

AN ACT authorizing the Ditching of South Beach in Edgartown, adjacent to Great Pond, and relative to the Fisheries in said Pond.

Chap. 75

Be it enacted, etc., as follows:

SECTION 1. The lessees holding from the commissioners of inland fisheries a lease of Great Pond and Job's Neck Pond in the town of Edgartown, may, with the permission of the owners of the land, cut through the beach known as the South Beach, lying between the waters of Great Pond and the ocean, and maintain ditches and dams to regulate the flow of water between said pond and the ocean.

South Beach
may be ditched
and flow of
water regulated.

SECTION 2. Commissioners may be appointed, who shall be disinterested persons, in accordance with the provisions of section three of chapter one hundred and forty-eight of the General Statutes, who shall have all the powers conferred by said chapter and the acts in amendment thereof and in addition thereto, during and after the termination of said lease, notwithstanding any previous right of fishery. Said commissioners may direct and control the opening and closing of the channel across said beach, and the exercise of all rights conferred by the preceding section of this act.

To be under
control of
commissioners.

SECTION 3. Said lessees shall have the right of fishery

Lessees to have
right of fishery.

in said Great Pond according to the terms of their lease, under the laws limiting and defining the rights of such lessees, notwithstanding any statutes heretofore in force specially regulating the fisheries in said pond.

SECTION 4. This act shall take effect upon its passage.

Approved March 8, 1881.

• **Chap. 76**

AN ACT to incorporate the Uxbridge Water Company.

Be it enacted, etc., as follows :

Corporators.

SECTION 1. Moses Taft, Alonzo W. Bennett, Charles A. Taft, Martin S. Brown, William E. Hayward, Eben B. Hayward, J. Walter Day, George F. Day and Lewis H. Murdock, their associates and successors, are hereby made a corporation by the name of the "Uxbridge Water Company," for the purpose of furnishing the inhabitants of Uxbridge with pure water for the extinguishment of fires, domestic and other purposes; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force applicable to such corporations.

Name and purpose.

Powers and duties.

May take water from Zadok A. Taft Brook.

May take and hold real estate.

May lay water pipes.

SECTION 2. Said corporation, for all the purposes aforesaid, may take, hold and convey into and through the town of Uxbridge, or any part thereof, the water in what is known as the Zadok A. Taft Brook, together with the springs which feed and supply said brook, situated near the centre village of said town, on the south-westerly side of the road leading from Main street to Pascoag, R.I. (said springs being on land of O. C. Smiley), and may take and hold, by purchase or otherwise, any real estate necessary for the preservation and purity of the same, or for forming any dams or reservoirs to hold the same, and for laying and maintaining aqueducts and pipes for distributing the waters so taken and held; and may lay its water pipes through any private lands, with the right to enter upon the same and dig therein for the purpose of making all necessary repairs; and for the purposes aforesaid may carry its pipes under or over any water-course, street, railroad, highway or other way, in such manner as not to unnecessarily obstruct the same; and may, under the direction of the board of selectmen, enter upon and dig up any road or other way for the purpose of laying or repairing its aqueducts, pipes, or other works; and in general may do any other acts and things necessary and proper for carrying out the purposes of this act.

SECTION 3. Said corporation shall, within sixty days after the taking of any land under the provisions of this act, file in the registry of deeds of the county of Worcester a description of any land so taken, sufficiently accurate for identification, with a statement of the purposes for which it is so taken; and the title to the land so taken shall vest in said corporation. Any person injured in his property by any acts of said corporation, and failing to agree with said corporation as to the amount of damages, may have the same assessed and determined in the manner provided when land is taken for highways; and no suit for injury done under this act shall be brought after three years from the date of the alleged receipt of injury.

To file in the registry of deeds a description of the land taken.

Assessment of damages.

SECTION 4. Said corporation may distribute the water through said Uxbridge; may establish and fix from time to time the rates for the use of said water, and collect the same; and may make such contracts with the town of Uxbridge, or any fire district that may be hereafter established, or with individuals, to supply water for fires or for other purposes, as may be agreed upon by said town, or such fire district or individuals, and said corporation.

May fix rates for use of water.

SECTION 5. Said corporation, for the purposes set forth in this act, may hold real and personal estate not exceeding ten thousand dollars in value; and the whole capital stock shall not exceed ten thousand dollars, to be divided into shares of one hundred dollars each.

Real and personal estate and capital stock.

SECTION 6. If any person shall use any of said water taken under this act, without the consent of said corporation, or shall wantonly or maliciously divert the water, or any part thereof so taken, or corrupt the same, or render it impure, or destroy or injure any dam, aqueduct, pipe, conduit, hydrant, machinery, or other works or property held, owned or used by said corporation under the authority of and for the purposes of this act, he shall forfeit and pay to said corporation three times the amount assessed therefor, to be recovered in an action of tort; and on conviction of either of the wanton or malicious acts aforesaid, may be punished by a fine not exceeding three hundred dollars, or by imprisonment in jail not exceeding one year.

Penalty for diverting water or rendering it impure.

SECTION 7. The town of Uxbridge, and any fire district that may be established therein, shall have the right, at any time during the continuance of the charter hereby granted, to purchase the corporate property and all the rights and privileges of said company, at the actual cost

Corporate property may be purchased by town of Uxbridge or a fire district,

of the same ; or, if mutually agreed upon between said corporation and said town or any such fire district. at a less price ; and said corporation is hereby authorized to make sale of the same to said town or such fire district ; but such authority to purchase said franchise and property is granted to said town, or fire district, upon the condition that the same is assented to by said town or fire district by a two-thirds vote of the voters present and voting thereon at any annual meeting, or at a legal meeting called to act on the subject.

Security for payment of damages may be required.

SECTION 8. The owners of lands and water rights taken under this act, upon application by either party for an estimate of damages, may require said corporation to give security, satisfactory to the board of selectmen of said town, for the payment of all damages and costs which may be awarded to them for the land or other property taken. And if, upon petition of the owner with notice to the adverse party, the security appears to the selectmen of said town to have become insufficient, they shall require said corporation to give further security to their satisfaction, and all the right or authority of the corporation to enter upon and use said land and other property, except for making surveys, shall be suspended until it gives the security required.

Work to be commenced within three years.

SECTION 9. This act shall be null and void unless said corporation shall within three years from the passage thereof avail itself of its provisions, and commence a prosecution of the work herein authorized.

SECTION 10. This act shall take effect upon its passage.

Approved March 9, 1881.

Chap. 77

AN ACT to incorporate the Milford Water Company.

Be it enacted, etc., as follows :

Corporators.

SECTION 1. Moses Joy, junior, Charles W. Shippee, John P. Daniels, Ephraim L. Wires, Charles F. Claffin, their associates and successors, are hereby made a corporation by the name of the Milford Water Company, for the purpose of furnishing the inhabitants of Milford with pure water for the extinguishment of fires, and for domestic and other purposes, with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in the general laws which now are or may hereafter be in force regulating such corporations.

Name and purpose.

Powers and duties.

SECTION 2. Said corporation may take, hold and convey through the town of Milford, or any part thereof, the water, so far as may be necessary for the purpose, of any spring or springs, or of any stream or streams, within said town of Milford, and may take and hold, by purchase or otherwise, any real estate necessary for the preservation and purity of the same, or for forming any dams or reservoirs to hold the same, and for laying and maintaining aqueducts and pipes for distributing the water so taken and held; and may lay its water pipes through any private lands, with the right to enter upon the same and dig therein for the purpose of making all necessary repairs or service connections; and for the purposes aforesaid may carry its pipes under or over any water-course, street, railroad, highway or other way, in such manner as not unnecessarily to obstruct the same; and may, under the direction of the board of selectmen, enter upon and dig up any road or other way for the purpose of laying or repairing its aqueducts, pipes or other works; and in general may do any other acts and things convenient or proper for carrying out the purposes of this act.

May take water from any streams and springs in Milford.

May lay water pipes.

SECTION 3. Said corporation shall, within sixty days after the taking of any land or water rights under the provisions of this act, file in the registry of deeds of the county of Worcester a description of any land so taken, sufficiently accurate for identification, with a statement of the purposes for which it is so taken, and the title of the land so taken shall vest in said corporation. Any person or corporation injured in any way by any acts of said corporation, and failing to agree with said corporation as to the amount of damages, may have the same assessed and determined in the manner provided when land is taken for highways; but no application shall be made to the county commissioners for the assessment of damages for the taking of water rights until the water is actually taken and diverted by said corporation. Any person whose water rights are thus taken or affected may apply as aforesaid within three years from the time the water is actually withdrawn or diverted, and not thereafter; and no suit for injury done under this act shall be brought after three years from the date of the alleged receipt of injury.

To file in the registry of deeds a description of the land taken.

Assessment of damages.

SECTION 4. Said corporation may distribute the water through said Milford; may establish and fix from time to time the rates for the use of said water, and collect the

May fix rates for use of water.

same; and may make such contracts with the town of Milford, or any fire district that may hereafter be established therein, or with individuals or corporations, to supply water for fire or for other purposes, as may be agreed upon by said town or fire district or individuals or corporations, and said corporation.

From the town
from the town and
capital stock.

SECTION 5. Said corporation, for the purposes set forth in this act, may hold real estate not exceeding in amount sixty thousand dollars; and the whole capital stock shall not exceed one hundred thousand dollars, to be divided into shares of fifty dollars each.

Punish for
diverting water
or rendering it
impure.

SECTION 6. If any person shall use any of said water taken under this act, without the consent of said corporation, or shall wantonly or maliciously divert the water or any part thereof so taken, or corrupt the same, or render it impure, or destroy or injure any dam or aqueduct, pipe, conduit, hydrant, machinery, or other works or property held, owned or used by said corporation, under the authority of and for the purposes of this act, he shall forfeit and pay to said corporation three times the amount of damages assessed therefor, to be recovered in an action of tort; and, on conviction of either of the wanton or malicious acts aforesaid, may be punished by a fine not exceeding three hundred dollars, or by imprisonment in jail not exceeding one year.

May purchase
present aqueduct
in Milford.

SECTION 7. Said corporation may purchase from the owner or owners of any aqueduct now used in furnishing water to the inhabitants of said town of Milford, his or their whole water right, estate, property and privileges, and by such purchase shall become entitled to all the rights and privileges, and subject to all the liabilities and duties, appertaining and belonging to such owner or owners.

May issue
bonds secured
by mortgage.

SECTION 8. The Milford Water Company may issue bonds, and secure the same by a mortgage on its works, structures, equipments, franchise, and other property, real or personal, to an amount which shall not exceed the capital stock of said company actually paid in and applied to the construction or completion of said Milford Water Company's works.

Corporate prop-
erty may be
purchased by
town of Milford.

SECTION 9. The town of Milford shall have the right at any time during the continuance of the charter hereby granted, to purchase the corporate property and all the rights and privileges of said company, at a price which may be mutually agreed upon between said corporation

and the said town of Milford; and the said corporation is authorized to make sale of the same to said town. In case said corporation and said town are unable to agree, then the compensation to be paid shall be determined by three commissioners, to be appointed by the supreme judicial court upon application of either party and notice to the other, whose award, when accepted by said court, shall be binding upon both parties. And this authority to purchase said franchise and property is granted on condition that the same is assented to by said town by a two-thirds vote of the voters present and voting thereon, at a meeting called for that purpose.

SECTION 10. This act shall be null and void unless said corporation shall within three years from the passage thereof avail itself of its provisions, and commence a prosecution of the work herein authorized.

Work to be commenced within three years.

SECTION 11. The owners of lands and water rights taken under this act, upon application by either party for an estimate of damages, may require said corporation to give security, satisfactory to the board of selectmen of said town, for the payment of all damages and costs which may be awarded to them for the land or other property taken. And if, upon petition of the owner with notice to the adverse party, the security appears to the selectmen of said town to have become insufficient, they shall require said corporation to give further security to their satisfaction, and all the right or authority of the corporation to enter upon or use said land and other property, except for making surveys, shall be suspended until it gives the security required.

Security for payment of damages may be required.

SECTION 12. This act shall take effect upon its acceptance by a vote of a majority of the legal voters of said town of Milford, present and voting at a meeting duly warned for that purpose.

Subject to acceptance by the town.

Approved March 9, 1881.

[Accepted July 25, 1881.]

[1854, 257; 1857, 76, 77; 1859, 168; 1860, 48; 1862, 25; 1863, 142; 1869, 245; 1873, 245; 1876, 211; 1878, 239.]

AN ACT to amend the Charter of the City of Fall River.

Chap. 78

Be it enacted, etc., as follows:

SECTION 1. The city council of the city of Fall River may in the year eighteen hundred and eighty-one, and not afterwards before the year eighteen hundred and eighty-five, nor oftener than once in five years thereafter, revise

Fall River city charter amended.

New division
of wards.

and if needful make a new division of the city into such number of wards, not less than six nor more than twelve, as said council shall deem the interests of the city may require; and the said wards shall be so constituted as to contain, as nearly as may be consistent with well defined limits to each ward, an equal number of qualified voters in each ward, but no such division of wards shall have the effect to change the boundary lines of any representative district previously established; and until such revision be made the boundary lines of the wards of the said city shall remain as now established: *provided*, that in case the number of said wards shall be increased, each ward shall be entitled to one alderman and three common councilmen.

Election of
mayor, alder-
men, common
councilmen and
ward officers.

SECTION 2. The mayor shall be an inhabitant and qualified voter of the city of Fall River, and shall be elected by the qualified voters of the city at large. One alderman, three common councilmen, and the following ward officers, viz.: a warden, clerk and three inspectors of elections, who shall be different persons, shall be elected by the qualified voters of each ward, and shall be inhabitants and qualified voters of the wards where elected.

Mayor to be
chief executive
officer of the
city.

SECTION 3. The mayor shall be the chief executive officer of said city of Fall River. It shall be his duty to be vigilant and active in causing the laws, ordinances and regulations of the city to be duly executed and enforced, to exercise a general supervision over the conduct and acts of all subordinate officers, to examine into all complaints preferred against them for violation or neglect of duty, and as far as is in his power cause all negligence, carelessness or violation of duty to be duly prosecuted and punished; and, whenever in his judgment the good of the city may require it, he may call meetings of the city council, or either branch thereof, by causing a written notice to be left at the place of residence of each member, or delivered to him in person, although the meeting of said branches, or either of them, may stand adjourned to a more distant day; and he shall perform such other duties as the city council may legally and reasonably require. The mayor, from time to time, shall communicate to the city council, or either branch thereof, all such information, and recommend all such measures, as in his opinion may tend to the improvement of the finances, the police, health, security, cleanliness, comfort, government and ornament of the city. He shall when present preside in the board of alder-

men and in convention of the two branches of the city council, but shall have no right to vote. In all cases in which appointments are directed to be made by the mayor and aldermen, the mayor shall have exclusive power of nomination, subject however to confirmation or rejection by the board of aldermen; but if a person so nominated shall be rejected, it shall be the duty of the mayor to make another nomination within one month from the time of such rejection.

To make nominations subject to confirmation or rejection by aldermen.

SECTION 4. The persons returned to serve as aldermen and members of the common council shall on the first Monday of January, at ten o'clock in the forenoon, meet in their respective rooms; the board of aldermen shall be called to order by the mayor elect, or in his absence by the senior member; the common councilmen shall be called to order by the senior member, and on the appearance of a quorum of each branch notice shall be communicated to the other of that fact, and the two branches shall then forthwith meet in convention. If no mayor who accepts the office has been chosen prior to said first Monday in January, the city clerk shall read the record of that fact in presence of the persons assembled; otherwise the oath of office shall be administered to the mayor elect by the city clerk, or by any justice of the peace. The oath of office shall be administered to the members present by the mayor or by any justice of the peace, and a certificate thereof shall be entered in the journals of the board of aldermen and of the common council by their respective clerks.

Meeting for organization of government.

SECTION 5. After the organization of the city government as aforesaid, the two branches shall separate, and the persons chosen and qualified as aldermen shall meet, and when a quorum shall be present said board shall proceed to choose one of their number as permanent chairman, who shall, in the absence of the mayor, preside at all meetings of said board, and in convention of the two branches; and in case of any vacancy in the office of mayor, for any cause, he shall exercise all the powers and perform all the duties of said office as long as such vacancy shall continue; and he shall always have a vote in said board, and in convention of the two branches, but shall not, in addition, have a casting vote. In the absence of the mayor and chairman of the board of aldermen, said board may choose a chairman *pro tempore*.

Aldermen to elect chairman who shall preside, in the absence of the mayor.

Common council to elect a president.

City auditor to be clerk of the common council.

Clerk *pro tempore*.

Vacancy in the office of mayor.

Qualification of members not qualified at organization.

Assessors of taxes.

SECTION 6. The persons chosen and qualified as common councilmen shall meet and act together as a separate body, distinct from the board of aldermen, except in those cases in which the two bodies meet in convention; and the common council shall have power from time to time to choose by ballot one of their number as president, who shall preside over their deliberations and preserve order and decorum therein. The city auditor shall be clerk of the common council, and shall be sworn to the faithful discharge of his duties as such. It shall be the duty of the clerk to attend said council when the same is in session, to keep a journal of its acts, votes and proceedings, and to perform such other duties in said capacity as said council may require. In the absence of the clerk, a clerk *pro tempore* may be chosen by ballot, and shall be duly qualified.

SECTION 7. In case of the decease or resignation of the mayor, or of his inability to perform the duties of his office, the board of aldermen and common council shall respectively by vote declare that a vacancy exists in said office, and the cause thereof, whereupon the board of aldermen shall issue their warrants in due form for the election of mayor, and the same proceedings shall be had as are herein before provided for the choice of mayor, and the mayor thus elected shall hold his office during the remainder of the municipal year, and until another is chosen and qualified in his stead: *provided, however*, that when such vacancy occurs on or after the first day of October in any year, it shall be discretionary with said board of aldermen and common council to order, or not to order, an election to fill such vacancy.

SECTION 8. Any person chosen a member of the board of aldermen or of the common council, who shall not be qualified at the organization of the city council on the first Monday in January, or who, after said organization, shall be elected to fill a vacancy in either of said boards, may be qualified at any time by the mayor in presence of the board of aldermen; and in case of the temporary absence of the city clerk, the mayor, by and with the advice and consent of the board of aldermen, may appoint a clerk *pro tempore*, who shall be duly qualified.

SECTION 9. The city council shall elect, by joint ballot in convention, three persons to be assessors of taxes, one to serve one year, one to serve two years, and one to serve three years, from the first Monday of March next follow-

ing, and until their successors are respectively chosen and qualified. In each succeeding year, as soon after the organization of the city council as may be convenient, said council shall elect by joint ballot in convention, one assessor of taxes, who shall hold his office for the term of three years from the first Monday in March in said year, and until his successor is chosen and qualified. The assessors thus chosen shall constitute the board of assessors for the city, and shall exercise the powers and be subject to the duties and liabilities of assessors of towns in this Commonwealth, and shall be sworn to the faithful performance of the duties of their office. All taxes shall be assessed, apportioned and collected in the manner prescribed by the laws of the Commonwealth: *provided, however*, that the city council may establish additional provisions not inconsistent therewith.

To hold office
for three years.

SECTION 10. The overseers of the poor shall consist of the mayor and the board of aldermen, who shall appoint an agent, define his duties, and fix his compensation. Said overseers shall have all the powers heretofore conferred upon the overseers of the poor of the city of Fall River, and all the powers of overseers of the poor in towns, but shall receive no compensation for their services.

Overseers of the
poor.

SECTION 11. All acts and parts of acts inconsistent herewith are hereby repealed. *Approved March 12, 1881.*

[1873, 197.]

AN ACT in addition to "An Act for supplying South Adams with Pure Water." *Chap. 79*

Be it enacted, etc., as follows:

SECTION 1. The South Adams fire district is authorized by and through the agency of the prudential committee of said district, for the purpose of furnishing an additional supply of water for the purposes mentioned in chapter one hundred and ninety-seven of the acts of the year one thousand eight hundred and seventy-three, to take and hold, by purchase or otherwise, in addition to the water, water rights and lands now held by said district, under and by virtue of said chapter, any lands on or near Bassett's Brook in the towns of Cheshire and Adams, so far as the same may be necessary to erect and maintain one or more dams to raise and retain the water in said brook, make and maintain reservoirs, lay aqueducts for

Water supply
for the South
Adams fire
district.

discharging said waters, preserving the purity thereof, and securing a way to and from the same.

Liability for damages.

SECTION 2. Said district shall be liable to pay all damages sustained by any person or corporation in their property, by taking of any lands by said district for the purposes aforesaid. If any person or corporation sustaining damage as aforesaid cannot agree with said district upon the amount of said damages, they may have them assessed in the manner provided by law with respect to land taken for highways.

Town of Adams may issue South Adams water scrip.

SECTION 3. For the purpose of defraying the expenses which may be incurred by said district in carrying into effect the powers granted by this act, the town of Adams may issue from time to time notes, scrip, or certificates of debt, to be denominated on the face thereof "South Adams Water Scrip," to an amount not exceeding twenty thousand dollars, and bearing interest not exceeding six per centum per annum. Said interest shall be paid semi-annually, and the principal shall be payable at a period not more than twenty years from the issue of said notes, scrip, or certificates respectively. All notes, scrip, or certificates issued as aforesaid, shall be signed by the treasurer of said town and countersigned by the chairman of the selectmen, and a record of said notes, scrip, and certificates shall be made and kept by said treasurer. The town of Adams may loan said notes, scrip, or certificates to the South Adams fire district upon such terms and conditions as may be by said town prescribed; and said district may sell the same or any part thereof, from time to time, or pledge the same for money borrowed for the purpose aforesaid, upon such rates, or upon such terms, as said fire district shall deem proper.

Town may loan scrip to fire district.

Taxes to be imposed to pay principal and interest.

SECTION 4. The town of Adams may assess and collect upon the estates real and personal in said fire district all taxes necessary to pay the principal and interest of the notes, scrip, and certificates issued and loaned as aforesaid.

Description of the land taken, to be filed in registry of deeds.

SECTION 5. Said fire district shall, within six months from the time of taking any lands as before provided, file in the registry of deeds of the northern district of Berkshire an accurate description of the lands so taken; and said district shall, upon the written request of any person whose lands are so taken, furnish him with an accurate description of the same.

Provisions of

SECTION 6. The provisions of section ten of said

chapter are hereby extended and shall apply to any lands, dams and works taken, erected or maintained by said district under and by virtue of this act. 1878, 197, § 10, to apply, etc.

SECTION 7. This act shall take effect upon its passage.

Approved March 12, 1881.

AN ACT to incorporate the American Loan and Trust Company.

Chap. 80

Be it enacted, etc., as follows:

SECTION 1. Alexander H. Rice, William W. Clapp, Albert L. Coolidge of Boston, Levi C. Wade of Newton, and Henry M. Whitney of Brookline, their associates and successors, are hereby made a corporation by the name of the American Loan and Trust Company, for the purpose of borrowing money, and of receiving on deposit, storage, or for safe keeping, money and other property of every description, and of collecting and disbursing the income and principal of said property, when due; of loaning or advancing money or credits on real and personal security; of acting as trustee or financial or other agent for any person, firm, corporation, association, municipality, government, state or national authority, and in their behalf to negotiate loans, to sell and negotiate the sale of securities; to issue, register and countersign certificates of stock, bonds and other evidences of indebtedness, and to receive and make payments on account of the same; and to receive money and invest the same; and all the powers and privileges necessary for the execution of the above purposes are hereby granted, subject nevertheless to all the duties, restrictions and liabilities set forth in all the general laws which now are or hereafter may be in force relating to such corporations.

Corporators.

Name and purpose.

SECTION 2. The capital stock of said corporation shall be two hundred and fifty thousand dollars, to be divided into shares of one hundred dollars each, and to be paid for at such times and in such manner as the board of directors shall decide: *provided*, that no business shall be transacted by said corporation until said two hundred and fifty thousand dollars is subscribed for and actually paid in; and no certificate of shares shall be issued until the par value of such shares shall have actually been paid in, in cash. The said corporation may increase its capital stock from time to time until the same amounts to one million dollars.

Capital stock and shares.

Deposits may
be made by
administrators,
trustees, etc.

Investments
in authorized
loans of the
United States,
New England
states, etc.

To constitute a
special deposit.

Commissioners
of savings banks
to examine, etc.

SECTION 3. Any administrator, executor, assignee, guardian or trustee, any court of law, equity, probate and insolvency, may deposit or direct any moneys, property, papers, documents, and evidences of debt to be deposited with said corporation, which is hereby authorized to receive and hold the same upon such terms as may be agreed upon, but said corporation shall not be required to assume or execute any trust without its own assent. All such moneys or properties received under the provisions of this section, shall be loaned on or invested only in the authorized loans of the United States, or of any of the New England states, or in the authorized loans of the cities, counties or towns of the New England states whose net indebtedness does not exceed three per centum of the valuation of the taxable property therein, to be ascertained by the last preceding city, county or town valuation for the assessment of taxes, or stock of any state, or national bank organized within this Commonwealth, or the first mortgage bonds of any railroad which has earned and paid regular dividends on its stock for two years next preceding such loan or investment, or first mortgages on real estate, or upon the notes of corporations created under the laws of any of the New England states, or of individuals, with a sufficient pledge as collateral of any of the aforesaid securities (but all real estate, acquired by foreclosure of mortgages, or by levy of execution, shall be sold at public auction within two years of such foreclosure or levy). All such money or property received, invested or loaned under this section shall be a special deposit in said corporation, and the accounts thereof shall be kept separate, and such funds, the investment or loans of them, shall be specially appropriated to the security and payment of such deposits, and not be subject to the other liabilities of the corporation; and for the purpose of securing the observance of this provision, said corporation shall have a trust department, with a special set of books, in which all business authorized by this section shall be kept separate and distinct from its other business.

SECTION 4. The commissioners of savings banks shall inspect, examine and inquire into the affairs, have access to the vaults, books and papers, of said corporation; and said corporation shall make returns to the savings bank commissioners in such manner as may be prescribed by them, once in each year at least, and at other times when

said commissioners shall by written notice direct the same to be made, and to the same extent as if this corporation were a savings bank. The returns of said corporation required to be made to the commissioners of savings banks shall be published in a newspaper of the city of Boston, at the expense of said corporation, and in the annual report of said commissioners.

Returns to be published in a newspaper in Boston.

SECTION 5. Said corporation shall be subject to the provisions of chapter two hundred and eighty-three of the acts of the year eighteen hundred and sixty-five, and any acts now existing, or which may hereafter be passed in amendment or lieu thereof.

Subject to provisions of 1865, 283.

SECTION 6. Said corporation shall also annually between the first and tenth days of May, return to the tax commissioner a true statement, verified by the oath of the president and treasurer of the corporation, of the amount of all sums deposited with it, on interest, other than those specified in section eight of this act; together with the name of every city and town in this Commonwealth where any beneficial owner resided on said first day of May, and the aggregate amount of such deposits then held for the benefit of persons residing in each of the cities and towns under the penalties provided in section fourteen of chapter two hundred and eighty-three of the acts of the year eighteen hundred and sixty-five, and acts in amendment or lieu thereof for corporations failing to make the returns provided for in said act. Said corporation shall annually pay to the treasurer of the Commonwealth, a sum to be ascertained by assessment by the tax commissioner upon an amount equal to the total value of such deposits at three-fourths of the rate ascertained and determined by him under section five of chapter two hundred and eighty-three of the acts of the year eighteen hundred and sixty-five, and acts in amendment thereof.

Returns to be made to the tax commissioner.

To pay tax into state treasury, as assessed by tax commissioner.

SECTION 7. No taxes shall be assessed in any city or town, for state, county or town purposes, upon or in respect of any such property held in trust or any such amounts deposited on interest or for investment; and in regard to such sums so to be assessed and paid as aforesaid, said corporation shall be subject to sections eleven, twelve and thirteen, the last paragraph of section fifteen, and section seventeen of chapter two hundred and eighty-three of the acts of the year eighteen hundred and sixty-five and acts in amendment or lieu thereof, so far as the same are applicable thereto.

Taxes not to be assessed in any town on property held in trust, or deposited on interest, or for investment.

Deposits with-
drawable on
demand to be
deemed in pos-
session of
payee.

Real estate not
to exceed
\$250,000.

SECTION 8. Deposits with said corporation which can be withdrawn on demand, or upon not exceeding ten days notice, shall, for purposes of taxation, be deemed money in possession of the person to whom the same is payable.

SECTION 9. Said corporation may hold real estate in the city of Boston suitable for the transaction of its business, to an amount not exceeding two hundred and fifty thousand dollars.

SECTION 10. This act shall take effect upon its passage.

Approved March 12, 1881.

[Accepted May 14, 1881.]

[1880, 127.]

Chap. 81 AN ACT to amend "An Act to incorporate the Berkshire Water Company."

Be it enacted, etc., as follows:

Repeal of 1880,
127, § 8.

Town of Lee
may purchase
corporate rights
and property of
company.

Subject to
assent of two-
thirds of the
voters.

Bonds may be
issued not ex-
ceeding amount
of capital stock.

SECTION 1. Section eight of chapter one hundred and twenty-seven of the acts of the year eighteen hundred and eighty is hereby repealed, and the following substituted therefor: "The town of Lee shall have the right at any time during the continuance of the charter of said water company to purchase the corporate property and all the rights and privileges of said company, at a price which may be mutually agreed upon between said corporation and the said town of Lee; and the said corporation is authorized to make sale of the same to said town. In case said corporation and said town are unable to agree, then the compensation to be paid shall be determined by three commissioners, to be appointed by the supreme judicial court upon application of either party, and notice to the other, whose award, when accepted by the court, shall be binding upon both parties. This authority to purchase said franchise and property is granted on condition that the same is assented to by said town by a two-thirds vote of the voters present and voting thereon at a meeting called for that purpose."

SECTION 2. The Berkshire Water Company may issue bonds and secure the same by a mortgage on its works, structures, equipments, franchise, and other property, real or personal, to an amount which shall not exceed the capital stock of said company actually paid in and applied to the construction or completion of said Berkshire Water Company's works.

SECTION 3. This act shall take effect upon its passage.

Approved March 12, 1881.

[1817, 180; 1823, 34, 51; 1839, 35.]

AN ACT in addition to An Act to incorporate the Massachusetts Hospital Life Insurance Company.

Chap. 82

Be it enacted, etc., as follows:

SECTION 1. It shall be lawful for the Massachusetts Hospital Life Insurance Company, in addition to the investments which it is now authorized by law to make, to invest its capital, and the moneys intrusted to it, or in any way received by it, in the first mortgage bonds of any railroad company, which has earned and paid regular dividends for two years next preceding such investment, or in the bonds of any such railroad company incorporated in the New England states, unincumbered by mortgage, or in the notes of individuals or corporations with a sufficient pledge of said bonds as collateral, in the notes of corporations created by the laws of any of the New England states, the property of which is unincumbered by mortgage, and in any stocks or securities in which savings banks now are or hereafter may be allowed to invest.

Investment of capital and moneys intrusted to company.

SECTION 2. Shares in corporations taxable under the provisions of chapter two hundred and eighty-three of the acts of the year eighteen hundred and sixty-five, which have been or may be conveyed to the company to be held specifically in trust for designated beneficiaries, shall not be included in the returns required by chapter two hundred and twenty-four of the acts of the year eighteen hundred and sixty-two and acts in addition thereto, or in the assessment of taxes upon such returns.

Shares in corporations held in trust for designated beneficiaries not to be taxed.

SECTION 3. The commissioners of savings banks shall inspect, examine and inquire into the affairs, have access to the vaults, books and papers of said corporation; and said corporation shall make returns to the savings bank commissioners in such manner as may be prescribed by them, once in each year at least, and at other times when said commissioners shall by written notice direct the same to be made, and to the same extent as if this corporation were a savings bank.

Returns to be made to commissioners of savings banks.

SECTION 4. This act shall take effect upon its acceptance by the Massachusetts Hospital Life Insurance Company.

Subject to acceptance.

Approved March 12, 1881.

[Accepted March 26, 1881.]

Chap. 83 AN ACT to incorporate the Maple Grove Cemetery Association in the Town of Westport.

Be it enacted, etc., as follows :

Corporators. SECTION 1. Joseph C. Little, Frederick Gifford, Alexander A. Tripp, George E. Griffin, their associates and successors, are hereby made a corporation by the name of the Maple Grove Cemetery Association, for the purpose of establishing and maintaining a place for the burial of the dead, to be located in the town of Westport in the county of Bristol, and shall have all the powers and privileges, and be subject to all the duties, liabilities and restrictions of the statutes applicable to similar corporations.

Name and purpose.

Powers and duties.

Real and personal estate.

SECTION 2. Said corporation may hold real and personal estate for the purpose aforesaid, not exceeding in amount the sum of five thousand dollars.

SECTION 3. This act shall take effect upon its passage.

Approved March 12, 1881.

Chap. 84 AN ACT to change the Name of the Newton Corner Baptist Church and Society, and to confirm the Doings thereof.

Be it enacted, etc., as follows :

Name changed. SECTION 1. The name of the Newton Corner Baptist Church and Society is hereby changed to the Newton Baptist Church and Society, and all proceedings of said corporation relating to the election of its officers heretofore are hereby ratified and confirmed, any defects or informalities therein to the contrary notwithstanding ; and all acts done by any and all of said officers are hereby made valid and confirmed to the same extent as though they had been severally sworn and qualified to discharge the duties of their respective offices ; and all other acts and proceedings of said corporation, which religious societies may lawfully do, so far as the same may be defective or invalid, are hereby ratified and confirmed.

Doings ratified.

SECTION 2. This act shall take effect upon its passage.

Approved March 12, 1881.

[Special Laws, vol. 1, p. 27.]

Chap. 85 AN ACT to change the Name of the Congregational Society of "The South Parish of Wilbraham."

Be it enacted, etc., as follows :

Name changed. SECTION 1. The religious society in the town of Hampden now and heretofore known as "The South Parish of

Wilbraham," shall be hereafter known as "The First Congregational Society of Hampden."

SECTION 2. The title to all property and the liabilities of said society shall be in no way changed or affected by said change of name, but remain the same as if the name had not been changed.

Title to property and liabilities of society, not affected.

SECTION 3. This act shall take effect upon its passage.

Approved March 12, 1881.

[1878, 149.]

AN ACT to incorporate the States Union Telegraph and Telegraph Construction Company.

Chap. 86

Be it enacted, etc., as follows:

SECTION 1. Chester Snow, Erastus P. Carpenter, Joseph K. Baker, Joseph W. Stover, their associates and successors, are hereby incorporated as the States Union Telegraph and Telegraph Construction Company, for the purpose of manufacturing material, machinery and equipment pertaining to the transmission of intelligence by electricity, and for constructing, maintaining and operating a line or lines of telegraph in any part of the United States and Canada, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, except as herein otherwise expressly provided, set forth in all general laws which now are or hereafter may be in force relating to such corporations: *provided*, that if any post is erected without the consent first obtained of the owner of the estate in front of which such post is to be erected, such owner shall have the right to sue for damages in any court within one year from such erection.

Corporators.

Name and purpose.

Powers and duties.

SECTION 2. The capital stock of said corporation shall be five hundred thousand dollars, all of which shall be paid in cash before said corporation shall commence business, and said capital may be increased from time to time to an amount not exceeding the sum of ten million dollars.

Capital stock.

SECTION 3. The stockholders of said company shall, at a meeting duly called for that purpose, elect twenty-five trustees, who shall be stockholders, to hold their office, five for five years, five for four years, five for three years, five for two years, and five for one year; and thereafter at each annual meeting five trustees shall be chosen for the term of five years. Said trustees shall annually elect a president, clerk, treasurer, and five directors of said com-

Twenty-five trustees to be elected, who shall elect directors, etc

pany, in whom shall be vested the powers and duties usually exercised by such officers.

Franchise not to be sold without consent of the legislature.

SECTION 4. The franchise, charter, or any portion of the telegraph line of said corporation, shall not be leased, sold, or offered for sale or lease, to any company, or to any person or association of persons, without the consent of the legislature; and any contract made contrary to the provisions of this act shall be void. And this charter may be revoked by the legislature for any cause which it may deem sufficient.

SECTION 5. This act shall take effect upon its passage.

Approved March 14, 1881.

[1831, 12; 1867, 11; 1868, 38, 234.]

Chap. 87 AN ACT to authorize an Increase of the Capital Stock of the Boston and Hingham Steam Boat Company.

Be it enacted, etc., as follows:

May increase capital stock.

SECTION 1. The Boston and Hingham Steam Boat Company is hereby authorized to increase its capital stock by an amount which together with the capital heretofore authorized shall not exceed in the aggregate five hundred thousand dollars, and to invest such increase in real and personal estate necessary and convenient for carrying on the business of said company: *provided*, that no shares in the capital stock hereby authorized shall be issued for a less sum, to be actually paid in on each share, than the par value thereof, which shall not be less than one hundred dollars.

No shares to be issued at less than par value.

SECTION 2. This act shall take effect upon its passage.

Approved March 16, 1881.

Chap. 91 AN ACT amending the Law relating to Applications for a Jury in the City of Boston, under the General Railroad Act of the Year Eighteen Hundred and Seventy-four.

Be it enacted, etc., as follows:

Amendment to 1874, 372, § 5.

SECTION 1. Section five of chapter three hundred and seventy-two of the acts of the year eighteen hundred and seventy-four is amended by striking out the words "twenty-nine," and inserting in place thereof the words "seventy-nine."

Method of procedure and rights of parties.

SECTION 2. In proceedings under said section five pending at the time of the passage of this act, and which have not then resulted in a trial by jury, the method of proced-

ure and the rights of the parties shall be the same as if the words "seventy-nine," had been originally used instead of the words "twenty-nine," except that this provision shall not affect those cases in which the defendant before trial by jury files in the court a claim to have the method of procedure and the rights of the parties determined under said section five as originally enacted.

SECTION 3. This act shall take effect upon its passage.

Approved March 16, 1881.

[1875, 185; 1880, 144.]

AN ACT in addition to An Act for the Laying out of Public Parks in or near the City of Boston.

Chap. 92

Be it enacted, etc., as follows:

SECTION 1. The board of park commissioners of the city of Boston is hereby authorized and empowered to build a sea-wall on the Boston side of the lower basin of the Charles River, between Craigie's bridge and West Boston bridge, and to fill up the grounds enclosed by said wall for the purposes of a public park in accordance with the provisions of chapter one hundred and eighty-five of the acts of the year eighteen hundred and seventy-five. The said sea-wall shall be on or within the following lines:—Beginning at a point on the southerly side of Craigie's bridge distant two hundred feet perpendicular from the westerly line of Charles Street, and running southerly by a line parallel to said Charles Street to a point opposite the first angle in said street; thence turning a similar angle and running southerly by a line parallel to and two hundred feet perpendicular again from said Charles Street to a point opposite another angle in said street, near Fruit Street; thence turning a similar angle and running southerly by a straight line two hundred feet perpendicular from and parallel to the next adjoining portion of said Charles Street to West Boston bridge. The lines of the sea-wall aforesaid shall constitute the harbor lines beyond which no wharf, pier or other structure, and no filling in shall be extended into or over the tide water of the said basin, excepting such landing places as the said park commissioners shall build with the approval of the board of harbor and land commissioners; and if the construction of said sea-wall and the filling in of the grounds thereby enclosed shall, in the opinion of said harbor and land commissioners, cause a projection injurious to the flow of the

Sea-wall may be built in Charles River between Craigie's bridge and West Boston bridge, and grounds enclosed may be filled up for a park.

Lines of sea-wall to constitute the harbor lines.

If injurious to

flow of current,
remedy to be
provided.

current and the protection of the harbor, then the said park commissioners or the city of Boston shall make suitable remedy or provision for the same by connecting the line of the said sea-wall with the present sea-wall in such manner as the said board of harbor and land commissioners shall approve, and may occupy and use any spaces thereby enclosed for the same purposes for which said sea-wall and filling in is authorized.

Land to be taken
by the city of
Boston and to
be used solely
for a public
park.

SECTION 2. This act is made subject to the following conditions and restrictions, namely:—The city of Boston or the said board of park commissioners shall take, by purchase or otherwise, all the land, dock and wharf property, lying westerly of said Charles Street between said bridges, under the provisions of said chapter one hundred and eighty-five of the acts of the year eighteen hundred and seventy-five, which, together with the grounds above authorized to be enclosed and filled up, shall be used solely for the purposes of a public park, facing and abutting upon the said Charles River basin. And when the city of Boston or the said park commissioners shall have taken the said land and wharf property, and built the said sea-wall, and fitted up the said grounds as a park as aforesaid, and so long as the same shall be used solely as said park, the Commonwealth will not authorize or permit any person or corporation to construct any extensions or erections from or contiguous to the water line of said park, except with the consent of said park commissioners or said city of Boston: *provided, also*, that the city of Boston or said park commissioners shall build the said sea-wall, and fill and fit up the said grounds, during the five years from and after the passage of this act.

Extensions from
water line of
park not to be
permitted.

Proviso.

SECTION 3. This act shall take effect upon its passage.

Approved March 16, 1881.

Chap. 93 AN ACT to change the Name of the Clarendon Hills Evangelical Society.

Be it enacted, etc., as follows:

Name changed.

SECTION 1. The name of the "Clarendon Hills Evangelical Society," is changed to the Clarendon Hills Congregational Society of Hyde Park.

SECTION 2. This act shall take effect upon its passage.

Approved March 16, 1881.

[1876, 184; 1880, 169.]

AN ACT relative to the Location of the Road of the Massachusetts Central Railroad Company.

Chap. 94

Be it enacted, etc., as follows:

Section two of chapter one hundred and sixty-nine of the acts of the year eighteen hundred and eighty is hereby amended by striking out all after the words "provided, however," as far as the words "that before," so that the section shall read:— The Massachusetts Central Railroad Company is hereby authorized to locate and construct its railroad over and upon such portion of the location of the Ware River Railroad Company as it may hereafter acquire by agreement with said Ware River Railroad Company, and over and upon such portion of the location of the New London Northern Railroad Company as it may hereafter acquire by agreement with said New London Northern Railroad Company: *provided, however*, that before any change is made in its location under this act the said Massachusetts Central Railroad Company shall give a bond, with sufficient sureties, to the parties in interest, to pay all damages already caused by the acts of the railroad upon the portion of the location which may be discontinued under this act, the said bond to be approved by the county commissioners of the county where the land is situated; or shall pay said damages within six months from the passage of this act.

Location and construction of road.

Bond to be given for payment of damages, before location is changed.

Approved March 16, 1881.

[1870, 323; 1875, 16.]

AN ACT to amend the Charter of the Massachusetts Loan and Trust Company.

Chap. 95

Be it enacted, etc., as follows:

SECTION 1. The shares of the Massachusetts Loan and Trust Company shall be assignable and transferable according to such rules and regulations as the stockholders shall for that purpose ordain and establish.

Transfer of shares.

SECTION 2. The said corporation is authorized to act as trustee, or financial or other agent for any person, firm, corporation, association, municipality, government, state, or national authority, and in their behalf to negotiate loans, to sell, and negotiate the sale of securities and other property; to issue, register and countersign certificates of stock, bonds and other evidences of indebtedness, and to receive and make payments on account of the same, and to receive money and invest the same.

May act as trustee, negotiate loans, etc.

Increase of
capital stock.

Certificates of
shares not to be
issued, until par
value has been
paid in.
Real estate not
to exceed
\$250,000.

Returns to be
published.

Repeal of 1870,
§§ 6, 8.

SECTION 3. The capital stock of the said corporation may be increased from time to time, until it amounts to one million of dollars; and such increase shall be issued and paid for at such times and in such manner as the board of directors shall decide: *provided*, that no certificates of shares shall be issued until the par value of such shares shall have been actually paid in, in cash.

SECTION 4. Said corporation shall be entitled to purchase and hold for its own use, real estate not exceeding in value two hundred and fifty thousand dollars.

SECTION 5. The returns of said corporation, required to be made to the commissioners of savings banks, shall be published in a newspaper of the city of Boston at the expense of said corporation, and in the annual report of said commissioners.

SECTION 6. Sections six and eight of chapter three hundred and twenty-three of the acts of the year eighteen hundred and seventy are hereby repealed.

SECTION 7. This act shall take effect upon its passage.

Approved March 16, 1881.

[1866, 22.]

Chap. 96 AN ACT to amend An Act to incorporate the Public Library Association of Hinsdale.

Be it enacted, etc., as follows:

Three directors
may be elected
by the town of
Hinsdale.

Town may ap-
propriate
money in aid
of association.

SECTION 1. Chapter twenty-two of the acts of the year eighteen hundred and sixty-six is hereby amended so that in addition to the five directors elected under section three of said act, three directors may be elected by the town of Hinsdale, as follows:—At the first annual meeting of said town hereafter held, one director shall be elected for one year, one for two years and one for three years, and at annual meetings thereafter one shall be elected for three years, and whenever a vacancy occurs in the number elected by said town it shall be filled for the unexpired term at the first annual meeting thereafter; and that said town, as long as said association maintains a public library for the inhabitants thereof, may appropriate and pay money to aid in supporting such association the same as may be done by law for the support of public libraries.

SECTION 2. This act shall take effect upon its passage.

Approved March 16, 1881.

[1880, 77.]

AN ACT to amend "An Act to authorize the City of Haverhill to establish a Hospital." Chap. 97

Be it enacted, etc., as follows:

SECTION 1. Section two of chapter seventy-seven of the acts of the year one thousand eight hundred and eighty is hereby amended by striking out in the last two lines of said section the words "or appropriated by the city council of said city for the purposes of the hospital."

No expenses to be incurred beyond sums donated therefor.

SECTION 2. This act shall take effect upon its acceptance by the city council of said city of Haverhill.

Subject to acceptance by city council.

Approved March 16, 1881.

[1877, 113.]

AN ACT to authorize the Union of the Boston and Lowell, and Nashua and Lowell Railroad Corporations. Chap. 98

Be it enacted, etc., as follows:

SECTION 1. The Boston and Lowell Railroad Corporation is authorized to unite with the Nashua and Lowell Railroad Corporation on such terms and conditions and with such guarantees as may be mutually agreed upon by said corporations at meetings of the stockholders thereof duly called for that purpose, and with this view the former corporation is further authorized to purchase and hold the stock of the latter corporation. The name of the united corporation thus authorized shall be the Boston, Lowell and Nashua Railroad Company, and said corporation shall have and enjoy all the franchises, powers, privileges, property and rights of every kind belonging to said Boston and Lowell Railroad Corporation and to said Nashua and Lowell Railroad Corporation, or either of them, and shall assume all the duties, debts and liabilities of said corporations, but shall be subject to all general laws now or hereafter passed relating to railroad corporations, and to the provisions of section forty-one of chapter sixty-eight of the General Statutes.

May unite under the name of the Boston, Lowell and Nashua Railroad Company.

SECTION 2. Whenever said corporations shall vote to unite as aforesaid, copies of the votes of the stockholders forming such union, certified by their respective clerks, shall be filed in the office of the secretary of the Commonwealth and also with the board of railroad commissioners.

Votes of union to be filed in secretary's office and with railroad commissioners.

SECTION 3. This act shall take effect upon its passage.

Approved March 16, 1881.

Chap. 99 AN ACT to increase the Number of the Board of Aldermen of the City of Lowell.

Approved March 16, 1881.

[Not having been accepted within sixty days, became void.]

[1878, 224.]

Chap. 103 AN ACT relative to the Taking of Fish from the Merrimack and Connecticut Rivers and their Tributaries.

Be it enacted, etc., as follows :

Fisheries regulated.

SECTION 1. Nothing in the provisions of chapter two hundred of the acts of the year eighteen hundred and eighty shall be construed as giving authority to take or catch fish of any kind within four hundred yards of any fishway on the Merrimack River or its tributaries, or within two hundred yards of any fishway on the Connecticut River or its tributaries, lying within this Commonwealth.

SECTION 2. This act shall take effect upon its passage.

Approved March 17, 1881.

[1867, 290; 1868, 130; 1869, 76; 1874, 144.]

Chap. 104 AN ACT to regulate Fishing in the Merrimack River.

Be it enacted, etc., as follows :

Shad and alewife fisheries regulated.

SECTION 1. Whoever takes or catches any shad or alewives in any part of the Merrimack River, or its tributaries, lying within this Commonwealth, except between sunrise on Monday morning and sunrise on Friday morning, of each week, from the first day of March to the last day of May, inclusive, in each year, shall forfeit for each alewife so taken a sum not less than one dollar nor more than five dollars, and for each shad so taken a sum not less than five nor more than twenty dollars.

Net not to be used from first day of June to last day of February.

SECTION 2. Whoever uses a net of any kind or description in the waters of the Merrimack River, or its tributaries, lying within this Commonwealth, from the first day of June in each year to the last day of February in the year next succeeding, inclusive, shall forfeit for each offence the sum of twenty-five dollars.

Repeal of 1874, 144, § 1.

SECTION 3. Section one of chapter one hundred and forty-four of the acts of the year eighteen hundred and seventy-four is hereby repealed.

SECTION 4. This act shall take effect upon its passage.

Approved March 17, 1881.

[1869, 416; 1871, 144.]

AN ACT to include the Town of Washington within the Jurisdiction of the District Court of Central Berkshire.

Chap. 105

Be it enacted, etc., as follows:

The town of Washington in the county of Berkshire shall hereafter belong to and constitute a part of the judicial district under the jurisdiction of the district court of Central Berkshire.

Jurisdiction.

Approved March 17, 1881.

AN ACT to authorize the Proprietors of Brandt Island to maintain a Bridge from the Island to the Main-land.

Chap. 106

Be it enacted, etc., as follows:

SECTION 1. The proprietors of Brandt Island in the town of Mattapoisett, county of Plymouth, are hereby authorized to construct and maintain a bridge, without a draw, connecting their lands and crossing Brandt Island Cove: *provided*, the license of the board of harbor and land commissioners is first obtained, as provided by law in cases above the line of some existing bridge or other structure authorized by law in which there is in fact no draw, and in which the law does not require that a draw be constructed or maintained.

Bridge across
Brandt Island
Cove.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved March 18, 1881.

[1877, 131; 1879, 251.]

AN ACT to extend the Time within which the Massachusetts Institute of Technology may erect Buildings on Certain Land in the City of Boston.

Chap. 107

Be it enacted, etc., as follows:

SECTION 1. Chapter one hundred and thirty-one of the acts of the year eighteen hundred and seventy-seven is hereby so amended that the time within which the Massachusetts Institute of Technology may erect a suitable building for the permanent use of said institute, upon the land described in chapter one hundred and seventy-four of the acts of the year eighteen hundred and seventy-three, shall be extended for the term of five years from the eleventh day of April in the year eighteen hundred and eighty-one.

Time for erection of buildings, extended.

SECTION 2. The Massachusetts Institute of Technology is hereby authorized at any time within said term of five years to exchange said parcel of land with the city of Boston for other land, or for adequate consideration to

May exchange land with the city of Boston for other land, etc.

release its interest in said parcel to said city, and on said exchange or release said city of Boston may hold, occupy and control said parcel of land forever free from rent or charge by the Commonwealth, upon condition that it shall forever be kept open as a public park by said city; said lot to be subject to the limitations and stipulations relative to lands of the Commonwealth on the south side of Boylston Street, and to be reserved from sale forever; and upon the further condition that the city of Boston shall acquire, by purchase or otherwise, the remainder of the trapezoid of land of which said parcel is a part, lying westerly thereof and between said parcel and Dartmouth Street, and shall appropriate it to the same purpose.

Commonwealth
to take land, if
appropriated by
city to any other
use.

SECTION 3. In case said city shall appropriate said parcel of land, hereby granted, to any purpose foreign to that for which it is granted, then the Commonwealth after due notice given may enter upon said parcel and take possession thereof, and the right of the city of Boston to the use, occupation and control of said lot shall thereupon cease.

Approved March 18, 1881.

[1854, 44.]

Chap. 108 AN ACT to authorize the Newton and Watertown Gas Light Company to lay Pipes in Weston and Needham, and to increase its Capital Stock.

Be it enacted, etc., as follows:

May lay pipes
in Weston and
Needham.

SECTION 1. The Newton and Watertown Gas Light Company is hereby authorized to lay and maintain pipes, for the purpose of supplying gas, within the towns of Weston and Needham, or either of them, subject to the provisions of the general laws relating to gas light corporations.

Capital stock
and real estate.

SECTION 2. The said corporation is hereby authorized to increase its capital stock to an amount not exceeding five hundred thousand dollars, and may hold real estate not exceeding in value two hundred thousand dollars.

SECTION 3. This act shall take effect upon its passage.

Approved March 18, 1881.

Chap. 109 AN ACT to incorporate the Trustees of the Swain Free School.

Be it enacted, etc., as follows:

Corporators.

SECTION 1. Lincoln F. Brigham of Salem, William W. Crapo, Edward D. Mandell, Andrew G. Peirce, George H.

Dumbar, Charles W. Clifford, William J. Potter, Charles H. Pierce and Edmund Grinnell, all of New Bedford, and their associates who may be elected under the provisions of the will of William W. Swain late of said New Bedford to fill existing vacancies in the board of trustees named in said will, and their successors, are hereby incorporated by the name of the Trustees of the Swain Free School, with all the powers and privileges requisite for carrying into full effect the provisions of said will, and with all the powers, rights and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force and applicable to such corporations.

Name.

Powers and duties.

SECTION 2. Said corporation may take and hold all and singular the estate, real and personal, devised and bequeathed by the said William W. Swain by his said will and codicil to his trustees therein named for the purposes aforesaid, together with its accumulations heretofore made, and may take and hold any other and further estate, real and personal, which may be acquired by them by gift, devise, purchase or otherwise for the same purposes: *provided, however*, that the actual value of the real and personal estate by them so held and possessed shall not exceed the sum of four hundred thousand dollars, all of which estates shall be devoted and appropriated exclusively for the purposes of education in the manner set forth in said will and codicil.

May take and hold estate bequeathed by William W. Swain.

Not to exceed \$400,000.

SECTION 3. After the organization of the corporation created by this act, the surviving executor of the said will of William W. Swain and the trustees now holding under the appointment of the probate court within and for the county of Bristol, and Charles W. Clifford his and their attorney, are hereby authorized to convey the estate, real and personal, now in their possession or standing in their names or in the name of the estate of William W. Swain or of the executors of the will or estate of William W. Swain or of Charles W. Clifford attorney for Lincoln F. Brigham, surviving executor of the will of William W. Swain, or however the same may be expressed, to said corporation, and upon the allowance in said probate court of the account of said trustees from the date of the allowance of the final account of said surviving executor to the date of said conveyance to said corporation, said trustees shall be discharged by said probate court.

Executor and trustees may convey estate to corporation.

Jurisdiction of
the S. J. C. in
equity, not to
be impaired.

SECTION 4. Nothing in this act shall be construed to impair the jurisdiction of the supreme judicial court, sitting in equity, to grant to said corporation authority to sell and dispose of its real estate; but said corporation shall, in the execution of the purposes for which it is created, be held to have the same powers, and be subject to the same limitations in respect thereof, which are applicable to the said trustees by the provisions of said will.

SECTION 5. This act shall take effect upon its passage.

Approved March 18, 1881.

[1873, 375; 1878, 127.]

Chap. 115 AN ACT to amend "An Act fixing the Time and Place of holding Probate Courts in the County of Suffolk."

Be it enacted, etc., as follows :

One session of
the court in
August on the
third Monday.

SECTION 1. Section one of chapter one hundred and twenty-seven of the acts of the year eighteen hundred and seventy-eight is hereby amended by inserting in the third line, before the word "second," the word "first."

SECTION 2. This act shall take effect upon its passage.

Approved March 18, 1881.

Chap. 116 AN ACT to authorize the Hartford and Connecticut Valley Railroad Company to build a Railroad in Massachusetts.

Be it enacted, etc., as follows :

Hartford and
Connecticut
Valley Railroad
Company may
build road to
connect with
Connecticut
River Railroad
at Holyoke.

SECTION 1. The Hartford and Connecticut Valley Railroad Company of Connecticut is authorized to build and operate a railroad, from a point in the dividing line between Massachusetts and Connecticut, northerly and near the west bank of the Connecticut river, through the towns of Agawam and West Springfield and a part of the town of Holyoke, so as to connect and intersect with the Connecticut River Railroad, at said Holyoke: *provided*, that the railroad hereby authorized shall be located and constructed in conformity with and subject to the provisions of law now or hereafter in force relating to railroad corporations.

One or more
directors to
reside in this
state, on whom
process may be
served.

SECTION 2. One or more directors of said railroad company shall reside in this state; and all process against said corporation may be legally served by copy given any such director in hand or left at his residence; and, as to its railroad and property in this state and the use and management thereof, said corporation shall be subject to the

general laws which are now or hereafter may be in force in relation to railroad corporations.

SECTION 3. No stock in addition to the eight hundred thousand dollars now paid in and no bonds shall be issued except in conformity with the general railroad laws of Massachusetts.

Stock and bonds.

SECTION 4. This act shall not take effect until it has been accepted at a legal meeting of said company called for that purpose, and an attested copy of the vote of acceptance has been filed in the office of the secretary of this Commonwealth.

Subject to acceptance.

SECTION 5. This act may be amended or repealed at the pleasure of the legislature, and shall be void unless the road is located within two years, and built within four years, after its passage.

To be located within two years and built within four years.

Approved March 22, 1881.

[Accepted April 23, 1881.]

[1871, 280; 1872 260, 371; 1873, 4, 298, 338; 1876, 69, 176; 1877, 84; 1878, 192.]

AN ACT for the Regulation and Inspection of Buildings in the City of Boston. *Chap. 117*

Be it enacted, etc., as follows:

SECTION 1. No person shall hereafter erect, place, construct, or cause to be erected, placed or constructed, or shall commence to erect, place or construct, any window or other projection into or over any public highway, street, causeway, bridge or square within the city of Boston, except as hereinafter provided.

Windows, etc., not to be built into or over streets, etc.

SECTION 2. The inspector of buildings of the city of Boston may permit the building of windows or other projections over any public highway, street, causeway, bridge or square, of the width of forty feet or more within said city: *provided*, said window or projection shall be built of brick, stone, iron or other fire proof material firmly secured to the building with no part of it less than ten feet above the highest point of the sidewalk immediately beneath, and shall not in any case project more than three feet from the line of the building, nor extend beyond a line drawn horizontally from the nearest corner of the adjacent lot at an angle of thirty degrees with the street line; and *provided, also*, that such window or projection shall not infringe upon any vested rights of any parties affected thereby.

May be built, with permission of inspector of buildings.

Proviso.

SECTION 3. If any person shall violate the provisions of the foregoing sections he shall, upon the application of

Penalty for violation.

the inspector of buildings of the city of Boston, be liable to the processes of law and equity set forth in the twenty-third section of chapter three hundred and seventy-one of the acts of the year eighteen hundred and seventy-two.

Repeal. SECTION 4. Chapter eighty-four of the acts of the year eighteen hundred and seventy-seven is hereby repealed.

Approved March 22, 1881.

Chap. 128 AN ACT to establish the Second District Court of Eastern Middlesex.
Be it enacted, etc., as follows :

Second District Court of Eastern Middlesex established. SECTION 1. The towns of Watertown, Weston and Waltham shall constitute a judicial district, under the jurisdiction of the court hereby established under the name of the Second District Court of Eastern Middlesex. Said court shall, except as is hereinafter provided, have the same jurisdiction, power and authority, and shall perform the same duties and be subject to the same regulations, as are provided with respect to existing police or district courts, except the municipal courts of Boston and Worcester, by chapter one hundred and sixteen of the General Statutes, and by all general laws passed in amendment thereof applicable to the several police or district courts of the Commonwealth; and all provisions of law relating to criminal and civil proceedings, the taxation of costs, the payment of fines, the expenses of court, the accounting and settling with county and town for money paid into court as forfeitures or otherwise, and all the other returns and requirements of law applicable to the several police or district courts of the Commonwealth, except those before mentioned, shall apply to the Second District Court of Eastern Middlesex hereby established.

Jurisdiction. SECTION 2. Said district court shall consist of one standing justice and two special justices, to be appointed, commissioned and qualified pursuant to the constitution and laws.

To consist of one standing justice and two special justices. SECTION 3. Said court shall be held in Waltham, for criminal business daily, except on Sundays and legal holidays, in some suitable place to be furnished by the county of Middlesex; and said court shall be held for civil business on one day at least of each week.

To be held in Waltham. SECTION 4. The standing justice of said court shall receive a salary of one thousand two hundred dollars a year, and at the same rate for any part of a year. The

Salary of justice.

compensation of the special justices shall be determined and paid in the manner now provided by law for the special justices of the police courts.

Special justices.

SECTION 5. All proceedings duly commenced before any trial justice for said county within said district, or before any police, district or municipal court, before this act takes full effect, shall be prosecuted and determined as if this act had not been passed.

Proceedings commenced, to be prosecuted, etc.

SECTION 6. This act shall take effect, so far as relates to appointing, commissioning and qualifying the justice and special justices of said court, on its passage ; and shall take full effect on the first day of June next.

To take full effect June 1, 1881.

Approved March 24, 1881.

[1877, 5; 1880, 126.]

AN ACT in addition to the Acts for the Purpose of supplying the City of Boston with Pure Water.

Chap. 129

Be it enacted, etc., as follows :

SECTION 1. For the purpose of supplying water to its inhabitants, and especially for the purpose of increasing the supply of water which can be used for its high service, the city of Boston is hereby authorized by and through the agency of the Boston water board to construct and maintain new reservoirs, and connect the same by aqueducts and pipes with its present sources of water supply, and with its present reservoirs, aqueducts and pipes, and to construct and maintain new works and pumping stations in connection with said new reservoirs ; and for this purpose may take and hold by purchase or otherwise any lands or real estate necessary therefor, situate in the cities of Boston or Newton, or in the town of Brookline, and lay said aqueducts and pipes over or under any water-course or any streets, turnpike roads, railroads, highways or other ways, in such manner as not to unnecessarily obstruct or impede the travel thereon ; and may enter upon and dig up any such roads, streets or ways, for the purpose of laying down said pipes beneath the surface thereof, and for maintaining and repairing the same ; but always in such manner and with such care as not to render the roads, streets and ways unnecessarily unsafe or inconvenient to the public travel thereon. And said city of Boston in performing said work shall not unnecessarily interfere with any existing sewers, water or gas pipes, and shall be subject to such reasonable regulations as to time, place and

Water supply for high service in Boston.

May take and hold land, etc.

May dig up streets.

Subject to reasonable regulations made by Newton and Brookline.

manner of digging up any streets or ways of public travel for the purposes aforesaid, and the laying of said pipes, as shall be made by the city council of the city of Newton or the selectmen of the town of Brookline, within the limits of said city or town, for the protection of their rights of drainage and sewerage therein and the public rights of passage thereon.

Streets to be restored to good order and condition.

Newton and Brookline to be indemnified for damage.

Proviso.

Boston to pay all land damage, etc.

Hydrants to be inserted upon request of Newton or Brookline.

Subject to acceptance by city council of Boston.

SECTION 2. Whenever the city of Boston shall dig up any street or way as aforesaid, it shall restore the same to as good order and condition as the same shall be in when such digging commenced; and the city of Boston shall at all times indemnify and save harmless the city of Newton and the town of Brookline against all damage which may be recovered against them respectively, and shall reimburse to them respectively all expenses which they shall incur by reason of any defect or want of repair in any street or way, caused by the construction of said aqueduct or the laying of said pipes, or by the maintaining or repairing the same: *provided*, that the city of Boston shall have due and reasonable notice of all claims for such damages or injury, and opportunity to make a legal defence thereto.

SECTION 3. The city of Boston shall be liable to pay all damages that shall be sustained by any persons in their property by the taking of any land or real estate or the laying of said pipes as aforesaid; and any person sustaining damage as aforesaid may have the same ascertained, determined, collected and paid in the manner which is provided in sections six, seven and eight of chapter one hundred and sixty-seven of the acts of the year eighteen hundred and forty-six.

SECTION 4. Upon requisition by the city council of the city of Newton, or the board of selectmen of the town of Brookline, prior to the laying of the said aqueduct and pipes through their respective limits, the city of Boston shall insert a number of hydrants in said pipes at points not less than one thousand feet apart, to be used for extinguishing fires, free of charge, and for no other purpose; and said city or town shall pay to the city of Boston the expense of inserting and keeping in repair such hydrants as shall have been so inserted upon their requisitions aforesaid within their respective limits.

SECTION 5. This act shall take effect upon its acceptance by the city council of the city of Boston.

Approved March 24, 1881.

[1873, 76.]

AN ACT to amend "An Act to supply the Town of Natick with Pure Water." *Chap. 130*

Be it enacted, etc., as follows :

SECTION 1. Section one of chapter seventy-six of the acts of the year eighteen hundred and seventy-three is hereby amended by inserting in the fifth line of said section, after the word "domestic," and before the word "purposes," the words "and other."

Amendment to
1873, 76, § 1.

SECTION 2. This act shall take effect upon its passage.

Approved March 24, 1881.

AN ACT to authorize the City of Haverhill to occupy a Portion of a Public Landing in said City. *Chap. 131*

Be it enacted, etc., as follows :

SECTION 1. The city of Haverhill is hereby authorized to erect a building, for the purposes of its fire department, on the public landing on the bank of the Merrimack River upon the southerly side of Water Street, near the foot of Lindell Street in said city, and to use and occupy, for the purposes aforesaid, a portion of said landing not exceeding in dimensions thirty feet on said Water Street by twenty feet in depth.

City may erect a
building on a
public landing.

SECTION 2. Any owner of an interest in the land taken or used under this act may have his damages determined in the manner provided for assessing damages in the case of laying out highways.

Assessment of
damages.

Approved March 24, 1881.

AN ACT to make Legal the Action of the Town of Sandisfield in Re-establishing the School District System. *Chap. 132*

Be it enacted, etc., as follows :

SECTION 1. The action of the town of Sandisfield, taken at a meeting called and held in the year eighteen hundred and seventy for the purpose of re-establishing the school district system in said town, is hereby confirmed, ratified and made valid, notwithstanding any errors, informalities or omissions whatever connected therewith, to all intents and purposes and to the same extent as if no such errors, informalities or omissions had occurred or existed.

Re-establish-
ment of school
district system
ratified.

SECTION 2. This act shall take effect upon its passage.

Approved March 24, 1881.

Chap. 133 AN ACT to legalize the Doings of the Sandwich District Camp-meeting Association, and to change its Name.

Be it enacted, etc., as follows :

Organization made valid.

SECTION 1. The organization of the Sandwich District Camp-meeting Association as a corporation, made at Yarmouth on the twenty-second day of December in the year eighteen hundred and sixty-two, is hereby made valid to the same legal effect as if the articles of association thereof had been subscribed by Pardon T. Kenney, Thomas Hilliard, Rufus Thatcher, William H. Richards, Richard M. Smith, Obed Nickerson and Thomas F. Atkins, the original associate members at the time of said organization, and as if the same had been duly recorded with such signatures at the office of the register of deeds for the county of Barnstable.

Name changed to Yarmouth Camp-meeting Association.

SECTION 2. The name of said corporation is hereby changed to the Yarmouth Camp-meeting Association, and the same shall continue to be a corporation under the constitution and by-laws heretofore adopted by said Sandwich District Camp-meeting Association. The title of all lands heretofore conveyed to the Sandwich District Camp-meeting Association is hereby confirmed to the Yarmouth Camp-meeting Association.

SECTION 3. This act shall take effect upon its passage.

Approved March 24, 1881.

[1868, 77; 1869, 296; 1870, 22.]

Chap. 134 AN ACT to amend the Charter of the Worcester Safe Deposit and Trust Company.

Be it enacted, etc., as follows :

May be appointed trustee under any instrument creating a trust.

Capital stock, etc., to be security for faithful discharge of duties.

SECTION 1. The Worcester Safe Deposit and Trust Company may be appointed trustee under any will or instrument creating a trust, for the care and management of property, under the same circumstances, in the same manner, and subject to the same control by the court having jurisdiction of the same, as in the case of a legally qualified person. The capital stock of said corporation, with the liabilities of the stockholders existing thereunder, shall be held as security for the faithful discharge of the duties undertaken by virtue of this act, and no surety shall be required upon the bonds filed by said corporation. In all proceedings in the probate court or elsewhere, connected with any authority exercised under this act, all accounts,

returns and other papers may be signed and sworn to in behalf of the corporation, by any officer thereof duly authorized by it; and the answers and examinations, under oath, of such officer, shall be received as the answers and examinations of the corporation, and the court may order and compel any and all officers of said corporation to answer and attend said examinations in the same manner as if they were parties to the proceedings or inquiry instead of the corporation: *provided, however*, that said corporation shall not be required to receive or hold any property or moneys or to execute any trust contrary to its own desire.

Proviso.

SECTION 2. In the management of money and property, held by it as trustee under the power conferred in the foregoing section, said corporation shall invest the same in the general trust fund of the company: *provided*, that it shall be competent for the authority making the appointment to direct, upon conferring the same, whether such money and property shall be held separately or invested in the general trust fund of the company; *and provided, also*, that said corporation shall always be bound to follow, and be entirely governed by, all directions contained in any will or instrument under which it may act.

Trust property held, to be invested in general trust fund of company.

Proviso.

Proviso.

SECTION 3. No money, property or securities received or held by said company under the provisions of this act shall be mingled with the investments of the capital stock, or other moneys or property belonging to said corporation, or be liable for the debts or obligations thereof.

Not to be mingled with investments of the capital stock.

SECTION 4. The returns of said corporation required to be made to the commissioners of savings banks shall be in the form of a trial balance of its books, and shall specify the different kinds of its liabilities, and the different kinds of its assets, stating the amount of each kind, in accordance with a blank form to be furnished by said commissioners. And these returns shall be published in a newspaper of the city of Worcester, at the expense of said corporation, and in the annual report of said commissioners.

Returns to commissioners of savings banks.

SECTION 5. This act shall take effect upon its acceptance by said corporation, which acceptance, with the date thereof, shall within ten days thereafter be certified by the president of the corporation to the secretary of the Commonwealth.

Subject to acceptance.

Approved March 24, 1881.

[Accepted April 11, 1881.]

Chap. 135 AN ACT to authorize the Taking of Land belonging to the Commonwealth for the Purpose of improving Summer Street in the City of Worcester.

Be it enacted, etc., as follows:

Land of the Commonwealth in Worcester may be taken for widening Summer Street.

SECTION 1. The county commissioners of the county of Worcester are hereby authorized, upon the petition of Stephen Salisbury and others now pending before them, to take, without compensation, a portion of the land of the asylum for the chronic insane on the east side of Summer Street in the city of Worcester, for the purpose of widening and improving said street as prayed for in said petition, the strip to be so taken not to exceed five metres in width.

Substantial retaining wall to be built.

SECTION 2. Said commissioners shall require, in their order for the said taking, that a substantial retaining wall, not inferior to the present wall upon said street, shall be built by the city of Worcester along the proposed line of said street, to conform to the surface grade as now existing on said line or as it shall be fixed by the trustees of said asylum, and that the iron fence, now surmounting said present wall and enclosing the grounds, shall be firmly replaced, and the steps leading up to the building so moved back or rebuilt as to make a convenient and suitable approach and entrance thereto, in accordance with plans and specifications previously presented to and approved by said trustees; and that said work when commenced shall be forthwith done and completed to the acceptance of said trustees, and without expense to the Commonwealth.

Iron fence to be replaced.

Work to be done without expense to the Commonwealth.

SECTION 3. This act shall take effect upon its passage.

Approved March 24, 1881.

[Eastern, 1876, 236. Fitchburg.]

Chap. 145 AN ACT to ratify and confirm an Indenture by and between the Eastern Railroad Company and the Fitchburg Railroad Company.

Be it enacted, etc., as follows:

Indenture ratified.

SECTION 1. The indenture by and between the Eastern Railroad Company and the Fitchburg Railroad Company, dated the twenty-eighth day of December in the year eighteen hundred and eighty, and recorded in the Suffolk registry of deeds, liber fifteen hundred and thirteen, folio four hundred and ninety-eight, and in the Middlesex south district registry of deeds, liber fifteen hundred and fifty-

nine, folio one hundred and thirty-six, is hereby ratified and confirmed.

SECTION 2. This act shall take effect upon its passage.
Approved March 24, 1881.

[1889, 44.]

AN ACT to authorize the Children's Hospital in Boston to hold Additional Real and Personal Estate. *Chap. 146*

Be it enacted, etc., as follows :

SECTION 1. The Children's Hospital in Boston, incorporated by chapter forty-four of the acts of the year eighteen hundred and sixty-nine, is hereby authorized to hold real and personal estate to an amount not exceeding three hundred thousand dollars.

Additional real and personal estate.

SECTION 2. No building shall be erected by said corporation as a hospital building capable of accommodating or designed to accommodate more than two hundred patients at any one time, without the approval of the board of health of the city of Boston.

Not to exceed accommodation for more than two hundred patients.

SECTION 3. This act shall take effect upon its passage.
Approved March 29, 1881.

AN ACT to establish the Office of Clerk of the Police Court of Holyoke. *Chap. 148*

Be it enacted, etc., as follows :

SECTION 1. Hereafter there shall be a clerk of the police court of Holyoke, who shall be appointed in the manner provided by law for the appointment of clerks of district, police and municipal courts.

Office of clerk established.

SECTION 2. Said clerk shall perform all the duties now prescribed by the General Statutes for clerks of police courts ; and all the provisions of law now applicable to clerks of police courts shall apply to said clerk.

Duties.

SECTION 3. Said clerk shall receive an annual salary of seven hundred and fifty dollars, to be paid by the county of Hampden.

Salary.

SECTION 4. This act shall take effect so far as the appointing, commissioning and qualifying said clerk are concerned, upon its passage ; and it shall take full effect on the first day of April in the year eighteen hundred and eighty-one.

Takes effect April 1, 1881.

Approved March 30, 1881.

[1876, 150.]

Chap. 149 AN ACT to compel the Use of Power-brakes on the Troy and Greenfield Railroad.*Be it enacted, etc., as follows :*Power-brakes
to be used on
passenger
trains.

SECTION 1. No passenger train shall enter upon or use any part of the Troy and Greenfield Railroad unless it is provided with a continuous power-brake attached to the engine and to each passenger car of said train.

Fine for viola-
tion, etc.

SECTION 2. Any railroad company entering upon or using said road in violation of the provisions of this act shall be liable to a fine of one hundred dollars for each day of such violation, to be recovered by indictment.

To take effect
June 1, 1881.

SECTION 3. This act shall take effect upon the first day of June eighteen hundred and eighty-one.

Approved March 30, 1881.

[1870, 214; 1871, 130; 1877, 135; 1879, 101.]

Chap. 150

AN ACT concerning the Lancaster Railroad Company.

Be it enacted, etc., as follows :

Charter revived.

SECTION 1. Chapter one hundred and one of the acts of the year eighteen hundred and seventy-nine, concerning the Lancaster Railroad Company, is hereby revived; and all the franchises, rights, powers, authorities, privileges, immunities and property granted by said chapter are hereby revived and re-granted to said company. The time within which said Lancaster Railroad was, by section one of said chapter, to be located, is hereby extended two years from the passage of this act, and the time within which by the same section it was ordered to be constructed is hereby extended four years from the passage of this act: *provided, however*, that nothing herein contained shall be construed to revive any rights of action in favor of the Lancaster Railroad Company or the stockholders, bondholders or creditors of said company which have been lost by the failure, if any, heretofore to locate or construct said Lancaster Railroad, or to give said company any new or further authority than it now has to require the Massachusetts Central Railroad Company to change its line or grade at the crossing of the roads in the town of Hudson.Time for loca-
tion and con-
struction
extended.

Proviso.

Claims for dam-
ages, etc.,
revived.

SECTION 2. All claims for damage for land or other property taken by the location and construction of the road of the said Lancaster Railroad Company, not heretofore settled and paid, are hereby revived and continued in

force; and all proceedings pending in any of the courts of the Commonwealth instituted for the recovery of said damages, as well as judgments recovered and not satisfied, are hereby revived, preserved and continued in full force, with the same lien, security, and remedy to enforce final judgment as existed by law at the date of the expiration of the charter of said Lancaster Railroad Company, subject only to such alterations and amendments of law as have since been made applicable to the recovery of claims for damages in like cases.

SECTION 8. This act shall take effect upon its passage.

Approved March 30, 1881.

AN ACT to provide for laying out a Public Park in the Town of Marblehead.

Chap. 151

Be it enacted, etc., as follows:

SECTION 1. The inhabitants of the town of Marblehead may, at any legal meeting called for the purpose, elect three commissioners and prescribe their terms of office. Said commissioners shall constitute a board of park commissioners, and any vacancy occurring in said board shall be filled in such manner as the town may direct. Said commissioners shall receive such compensation as the town shall determine.

Park commissioners to be elected.

SECTION 2. Said board shall have power to locate within the limits of the town of Marblehead a public park; and for that purpose to take in fee by purchase or otherwise any such lands as said board may deem desirable therefor: *provided, however*, that no land shall be taken, or other thing involving an expenditure of money done, until an appropriation sufficient to cover the estimated expense thereof shall have been made by a two-thirds vote of the voters present and voting at a meeting legally held; and *provided, further*, that no taking of land otherwise than by purchase shall be valid unless it is reported to the town, filed, accepted and allowed, as provided by section sixty-five of chapter forty-three of the General Statutes in the case of laying out town ways.

May locate a park in Marblehead.

Proviso.

Proviso.

SECTION 3. Said board shall, within sixty days after the acceptance by the town of their report of the taking of land under this act, file in the registry of deeds for the southern district of the county of Essex, a description thereof sufficiently accurate for identification.

To file in registry of deeds a description of the land taken.

SECTION 4. Said board shall estimate and determine

Damages.

all damages sustained by any persons by the taking of land or other acts of said board in the execution of the powers vested in them under this act; but any party aggrieved by any such determination of said board may have his damages assessed as in case of land taken for highways.

Fee of lands
taken to vest in
town of Marble-
head.

SECTION 5. The fee of all lands taken or purchased by said board under this act shall vest in the town of Marblehead, and said town shall be liable to pay all damages assessed or determined, as provided in the preceding section, and all other costs and expenses incurred by said board in the execution of the powers vested in them by this act. Said town shall also be authorized to take and hold in trust or otherwise any devise, grant, gift or bequest that may be made for the purpose of laying out, improving or ornamenting any parks in said town.

Streets, etc., not
to be laid out
across park.

SECTION 6. No street or way, and no steam or horse railroad, shall be laid out over any portion of any park located under this act, except at such places and in such manner as said board shall approve.

Board to report
annually to the
town.

SECTION 7. Said board shall at the annual town meetings and at such other times as the town may direct, make report of its doings, including a detailed statement of all receipts, expenditures and liabilities.

Subject to ac-
ceptance by a
majority vote.

SECTION 8. This act shall not take full effect unless accepted by a majority of the legal voters of said town of Marblehead. present and voting thereon, by ballot, and using the check list, at a meeting which shall be held during the present year. Said ballot shall be "yes," or "no," in answer to the question, "Shall an act passed by the legislature of the Commonwealth in the year eighteen hundred and eighty-one, entitled 'An Act for laying out a public park in the town of Marblehead,' be accepted?" Such meeting shall be called, notified and warned in the same manner in which meetings for the election of town officers are called, notified and warned; and it shall be the duty of the selectmen and town clerk to certify, as soon as may be, to the secretary of the Commonwealth, the whole number of ballots cast in said town in favor of the acceptance of this act, and the whole number cast against said acceptance; and if it shall appear that a majority of the ballots have been cast in favor of acceptance, the said secretary shall forthwith issue and publish his certificate declaring this act to have been duly accepted.

Meeting to be
called, etc., as
for election of
town officers.

Secretary to
publish accept-
ance of this act.

SECTION 9. So much of this act as authorizes and directs the submission of the question of its acceptance to the legal voters of the town of Marblehead, shall take effect upon its passage.

Approved March 30, 1881.

[Accepted May 17, 1881.]

[1879, 111.]

AN ACT concerning the Lynn and Boston Railroad Company.

Chap. 152

Be it enacted, etc., as follows:

SECTION 1. The Lynn and Boston Railroad Company is hereby authorized to purchase and hold such real estate as may be necessary or convenient to carry on its business in the cities and towns named in its act of incorporation, and in all the cities and towns in which said company now runs or may hereafter run its cars, as lessee or otherwise.

May purchase and hold certain real estate.

SECTION 2. Said corporation is hereby authorized to purchase all the rights, franchise and property of any other street railway company or companies whose road it hires, or with which it connects or may connect in any of said cities or towns, except the city of Boston, and to pay for the same in money or its stock, or both, as may be agreed upon between the respective boards of directors; and said companies or either or any of them, are authorized to convey and assign to said Lynn and Boston Railroad Company their franchise and property and all the rights, privileges and powers granted them: *provided, however*, that the terms of any such purchase and sale shall be approved by a majority in interest of the stockholders of each of the corporations, respectively, parties to said agreement, present and voting at meetings called for the purpose.

May purchase other street railways.

Proviso.

SECTION 3. If said Lynn and Boston Railroad Company purchases under this act the rights, franchise and property of any other company or companies, the latter company or companies shall thereupon be merged in said Lynn and Boston Railroad Company; and said Lynn and Boston Railroad Company shall thereupon have and enjoy all the rights, powers, privileges, franchises and property, and be subject to all the duties, liabilities and restrictions appertaining at the time to the company or companies so merged.

Companies purchased to be merged in Lynn and Boston Railroad Company.

SECTION 4. The board of aldermen of any city or the selectmen of any town referred to in the first section of this act, and of the towns of Peabody and Everett, for

Location of tracks to Woodlawn Cemetery in Everett.

the purpose of reaching Woodlawn Cemetery in said Everett, are hereby authorized to locate the tracks of said Lynn and Boston Railroad Company upon and over such streets and highways within their respective jurisdictions as they may in their discretion from time to time determine, with the assent in writing of said corporation; and thereupon said corporation may construct, maintain and use its railroad located in pursuance of this act upon and over the streets and highways of said cities and towns; with the same powers and privileges, and subject to the same duties, liabilities and restrictions as if the same had been authorized and located and constructed under the authority of the act by which said company was incorporated. But no track shall be located or constructed from Lynn into Swampscott farther than Mudge's Square in said Swampscott, and the time for locating and constructing in Peabody and Everett is limited to two years from the passage of this act.

Powers and duties.

Location of tracks in Swampscott.

May increase capital stock.

Location of constructed tracks confirmed.

Purchases of real estate confirmed.

SECTION 5. The Lynn and Boston Railroad Company is hereby authorized to increase its capital stock as it may from time to time determine, the total increase not to exceed three hundred thousand dollars.

SECTION 6. All constructed tracks of the Lynn and Boston Railroad Company, locations whereof have been granted to said company as such, or to said company as lessee, by towns and cities named in its act of incorporation, shall be deemed and taken to be duly located with full power to maintain and use the same; and all purchases of real estate in any of said cities and towns heretofore made by said company shall be deemed and taken to have been legally purchased, and said purchases and locations are hereby ratified and confirmed.

SECTION 7. This act shall take effect upon its passage.

Approved March 30, 1881.

Chap. 153

AN ACT to incorporate the Peabody Institute in Peabody.

Be it enacted, etc., as follows:

Corporators.

SECTION 1. Alfred A. Abbott, Warren Shaw, William F. Wiley, E. Pope Barrett, and their associates, trustees of the Peabody Institute in Peabody, and their successors in office, are hereby made a corporation by the name of the Peabody Institute in Peabody, with all the powers and privileges, and subject to all the duties, liabilities and

Powers and duties.

restrictions set forth in the General Statutes relating to similar corporations : *provided, however*, that it shall not be necessary for said corporation to organize in the method or to give the notice and hold the first meeting prescribed by statute, but the present trustees of said Peabody Institute, and their successors to be chosen by the legal voters of the town of Peabody in the manner heretofore prescribed and used, shall constitute and be said corporation, and shall proceed to act and to fulfil their duties under their present organization and according to such rules and regulations as now exist or as may be hereafter legally established.

Proviso.

SECTION 2. Said corporation shall hold all the funds of said Peabody Institute, including their lands and buildings, stocks, bonds and other securities, and such other real and personal estate as may accrue to or for the benefit of said institute by gift, grant or otherwise, for the purposes declared and upon the conditions imposed by George Peabody, the founder of said institute, and shall apply the same in the way and manner indicated by him and as accepted and determined by the town of Danvers at a town meeting held June twenty-eighth, eighteen hundred and fifty-two, or as may have been since or may hereafter be prescribed by the town of Peabody, so far as the same may be in accordance with the expressed views of said founder, and for no other purpose whatever : *provided, however*, that the whole amount of the aforesaid funds, together with such real and personal estate as may be added thereto, shall not exceed six hundred thousand dollars.

To hold all the funds, etc., of the Peabody Institute.

Funds and estate not to exceed \$600,000.

SECTION 3. This act shall take effect upon its passage.

Approved March 30, 1881.

AN ACT to authorize the City of Worcester to purchase, hold and sell certain Land in said City.

Chap. 154

Be it enacted, etc., as follows :

SECTION 1. The city of Worcester is hereby authorized to purchase, hold and sell the whole or any part of the land situated in said city, now owned by the Boston and Albany Railroad Company, bounded by Foster Street, Norwich Street, Mechanic Street, and land of the Rice, Barton and Fales Manufacturing Company and others, and for the purpose of paying for said land to issue the bonds of said city payable at such times and at such rate of interest as the city council shall determine : *provided*,

City of Worcester may purchase and hold certain land.

Debt not to be

increased beyond amount allowed by law.
Subject to acceptance.

this act shall not authorize the debt of said city to be increased beyond the amount now allowed by law.

SECTION 2. This act shall take effect upon its acceptance by the city council of said city of Worcester.

Approved March 30, 1881.

[1869, 337; 1870, 219.]

Chap. 162 AN ACT providing for the Repairing or Reconstruction of the Bridge across Merrimac River between the Town of Groveland and the City of Haverhill.

Be it enacted, etc., as follows :

Bridge may be reconstructed or built anew.

SECTION 1. The county commissioners of the county of Essex are hereby authorized and required as soon as may be after the passage of this act to repair and strengthen, reconstruct or build anew, the bridge and draw across Merrimac River between the town of Groveland and the city of Haverhill ; and the said commissioners are hereby authorized to hire such sums of money as may be necessary to comply with the provisions of this act.

Cities and towns to be assessed for expense of building.

SECTION 2. The said commissioners after due notice to all parties interested, and after a hearing of said parties, shall proceed to determine what cities and towns in said county receive particular and special benefit from the use of said bridge and draw, and to apportion and assess upon said county, cities and towns in such amounts as they shall deem equitable and just, the cost of repairing, reconstructing or rebuilding said bridge and draw. And said commissioners also shall determine what proportion said county, cities and towns shall pay annually for the cost of repairs and maintenance of said bridge and draw.

Sworn statement of expenses to be annually made to county commissioners.

SECTION 3. The treasurer of the city or town having the care of the draw and repairs of said bridge, and paying for the same out of its treasury, shall make to the said commissioners a sworn statement of the annual expense, on or before the first day of January in each year, and the said commissioners shall pay to such city or town out of the treasury of said county, after deducting its proportion of the annual expense, the balance which may be due.

Repeal.

SECTION 4. All acts or parts of acts inconsistent herewith are hereby repealed.

SECTION 5. This act shall take effect upon its passage.

Approved March 30, 1881.

AN ACT to incorporate the Gloucester Water Supply Company.
Be it enacted, etc., as follows :

Chap. 167

SECTION 1. Joseph O. Procter, Robert R. Fears, Samuel A. Stacy, Robert A. Tibbets, Nehemiah D. Cunningham, their associates and successors, are hereby made a corporation by the name of the Gloucester Water Supply Company, for the purpose of furnishing the inhabitants of Gloucester with pure water for the extinguishment of fires and for domestic, mechanical and other purposes ; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force applicable to such corporations.

Corporators.

Name and purpose.

Powers and duties.

SECTION 2. Said corporation may for the purposes aforesaid take, hold and convey through the city of Gloucester, or any part thereof, the water of any springs, natural ponds, brooks or other water sources in ward eight of said city, and may take and hold by purchase or otherwise any real estate necessary for the preservation and purity of the same, or for forming any dams or reservoirs to hold the same, and for laying and maintaining aqueducts and pipes for distributing the water so taken and held ; and may lay its water pipes through any private lands, with the right to enter upon the same and dig therein for the purpose of making all necessary repairs or service connections ; and for the purposes aforesaid may carry its pipes under or over any water course, street, railroad, highway or other way, in such manner as not unnecessarily to obstruct the same ; and may, under the direction of the city authorities of Gloucester, enter upon and dig up any road or other way for the purpose of laying or repairing its aqueducts, pipes or other works ; and in general may do any other acts and things convenient and proper for carrying out the purposes of this act.

May take water from ponds, etc., in ward eight.

May lay pipes through private lands.

May enter upon and dig up roads.

SECTION 3. Said corporation shall, within sixty days after the taking of any land or water rights under the provisions of this act, otherwise than by purchase, file in the registry of deeds for the southern district of the county of Essex a description of any land so taken, sufficiently accurate for identification, with a statement of the purposes for which it is so taken, and the title of the land so taken shall vest in said corporation. Any person or corporation injured in property by any acts of said corporation, and failing to agree with said corporation as to the

To file in the registry of deeds a description of the land taken.

Assessment of damages.

amount of damages, may have the same assessed and determined in the manner provided when land is taken for highways ; but no application shall be made to the county commissioners for the assessment of damages for the taking of water rights until the water is actually taken and diverted by said corporation. Any person whose water rights are thus taken or affected may apply as aforesaid within three years from the time the water is actually withdrawn or diverted, and not thereafter ; and no suit for injury done under this act shall be brought after three years from the date of the alleged receipt of injury. ■■■

May fix water rates.

SECTION 4. Said corporation may distribute the water through said city of Gloucester, may establish and fix from time to time rates for the use of said water, and collect the same, and make such contracts with the said city of Gloucester, or with individuals, or corporations, to supply water for fire or for other purposes, as may be agreed upon by said city, or individuals, or corporations, and said corporation.

May furnish city with water by contract.

The city of Gloucester, by a majority vote of its city council present and voting jointly thereon, is hereby authorized to contract for a supply of water for fire or other purposes, for a term of years with said Gloucester Water Supply Company : *provided*, the contract is assented to by said city by a majority vote of the voters present and voting thereon at meetings called for that purpose in the several wards of said city.

Capital stock not to exceed \$350,000.

SECTION 5. The capital stock of said corporation shall not exceed three hundred and fifty thousand dollars and shall be divided into shares of one hundred dollars each ; and said corporation may at any time issue bonds to an amount equal to the capital stock actually paid in.

Penalty for diverting water or rendering it impure.

SECTION 6. If any person shall use any of said water taken under this act, without the consent of said corporation, or shall wantonly or maliciously divert the water or any part thereof so taken, or corrupt the same, or render it impure, or destroy or injure any dam or aqueduct, pipe, conduit, hydrant, machinery, or other works or property held, owned or used by said corporation, under the authority of and for the purposes of this act, he shall forfeit and pay to said corporation three times the amount of damages assessed therefor, to be recovered in an action of tort ; and on conviction of either of the wanton or malicious acts aforesaid may be punished by a fine not exceeding three hundred dollars, or by imprisonment in jail not exceeding one year.

SECTION 7. The city of Gloucester shall have the right, at any time during the continuance of the charter hereby granted, to purchase the corporate property and all the rights and privileges of said company, at a price which may be mutually agreed upon between said corporation and the said city of Gloucester; and the said corporation is authorized to make sale of the same to said city. In case said corporation and said city are unable to agree, then the compensation to be paid shall be determined by three commissioners, to be appointed by the supreme judicial court upon application of either party and notice to the other, whose award, when accepted by the court, shall be binding upon both parties. And this authority to purchase said franchise and property is granted on condition that the same is assented to by said city by a two-thirds vote of the voters present and voting thereon at meetings called for that purpose in the several wards of said city.

City may purchase corporate rights and property.

SECTION 8. For the purposes of defraying the cost of such property, lands, water and water rights as shall be purchased for the purposes aforesaid, the city of Gloucester through its treasurer may from time to time issue notes, bonds, scrip or certificates of debt, to be denominated on the face thereof Gloucester Water Loan, to any amount not exceeding the amount paid by the city for said purchase, and bearing interest at a rate not exceeding six per centum per annum payable semi-annually, and the principal being payable at periods of not more than thirty years from the issue of said notes, bonds, scrip or certificates of debt, respectively. Said treasurer, under the authority of the city council, may sell such notes, bonds, scrip or certificates of debt, or any part thereof, from time to time, or pledge the same for any money borrowed for the purposes aforesaid, on such terms and conditions as may be prescribed by the city council, or, in case the city council prescribe no terms and conditions, on such terms and conditions as he may deem proper; and said city shall annually raise by taxation an amount sufficient together with the net income received from rents for the use of said water, to pay the interest on said loans as it accrues; and shall establish at the time of contracting said debt a sinking fund, and contribute thereto from year to year an amount raised by taxation, not exceeding ten thousand dollars in any one year, sufficient with its accumulations to extinguish the debt at maturity; and said sinking fund

City may issue scrip to pay for property, etc.

Sale of bonds or scrip.

Sinking fund.

shall remain inviolate and pledged to the payment of said debt and shall be used for no other purpose.

Powers and liabilities of city in case property is purchased.

SECTION 9. In case the city of Gloucester shall purchase the property, rights, privileges and franchises of the corporation established by this act, the said city shall exercise all the rights, powers and authority and be subject to all the restrictions, duties and liabilities herein contained, in such manner and by such officers, servants or agents as said city may direct, and the said city shall be liable to damages for land, water or water rights taken for the purposes set forth in this act which shall not have been previously paid by said corporation.

Work to be commenced within three years.

SECTION 10. This act shall be null and void unless within three years from its passage said corporation shall avail itself of its provisions, and commence a prosecution of the work herein authorized.

Security for payment of damages to be furnished, if required.

SECTION 11. The owners of lands and water rights taken under this act, upon application by either party for an estimate of damages, may require said corporation to give security, satisfactory to the board of aldermen of said city, for the payment of all damages and costs which may be awarded to them for the land or other property taken. And if, upon petition of the owner, with notice to the adverse party, the security appears to the aldermen of said city to have become insufficient, they shall require said corporation to give further security to their satisfaction; and all the right or authority of the corporation to enter upon or use said land and other property, except for making surveys, shall be suspended until it gives the security required.

SECTION 12. This act shall take effect upon its passage.

Approved March 31, 1881.

[F., 1876, 128. M. C., 1876, 164.]

Chap. 168 AN ACT authorizing the Fitchburg Railroad Company and the Massachusetts Central Railroad Company to change their Location in the Town of Belmont.

Be it enacted, etc., as follows:

Fitchburg Railroad may take land and change location in Belmont.

SECTION 1. The Fitchburg Railroad Company may, at any time within one year after the passage of this act, take for its own railroad, land between its location and the northerly side of Wellington Brook not exceeding five rods in width on the southerly side of the present location of the Fitchburg Railroad, between Common Street

in Belmont and station number three hundred and sixty-nine of the Fitchburg Railroad, as located and filed in the office of the county commissioners of Middlesex county.

SECTION 2. The said Fitchburg Railroad Company may at any time after the passage of this act make a lease to the Massachusetts Central Railroad Company of such portions of the road in Belmont, between said Common Street and said station number three hundred and sixty-nine, taken by said Fitchburg Railroad Company under any previous acts or held by it under any deed or otherwise, for such length of time and upon such terms as may be agreed upon by said companies: *provided*, that nothing in this act contained shall prevent any person from recovering any damages to which, if this act had not been passed, he would by law be entitled for any taking, use or occupation of such of the land, now included in any portion of the location of the Fitchburg Railroad Company as may be leased by it to the Massachusetts Central Railroad Company, under authority of this act.

May lease portion of road to Massachusetts Central Railroad.

Proviso.

SECTION 3. In the exercise of the powers granted by this act, the said Fitchburg Railroad Company and the said Massachusetts Central Railroad Company shall have all the rights, privileges and remedies and be subject to all the duties, liabilities and restrictions provided by the general laws of the Commonwealth, so far as the same are respectively applicable to each corporation.

Powers and duties.

SECTION 4. This act shall take effect upon its passage.

Approved March 31, 1881.

AN ACT to establish the City of Malden.

Chap. 169

Be it enacted, etc., as follows:

SECTION 1. The inhabitants of the town of Malden shall continue to be a body politic and corporate under the name of the city of Malden, and as such shall have, exercise and enjoy all the rights, immunities, powers and privileges, and shall be subject to all the duties and obligations now incumbent upon and pertaining to the said town as a municipal corporation.

City charter for town of Malden.

SECTION 2. The administration of all the fiscal, prudential and municipal affairs of the said city, with the government thereof, shall be vested in one officer to be called the mayor, one council of seven to be called the board of aldermen, and one council of eighteen to be called the common council, which boards, in their joint

Government vested in mayor and city council.

capacity, shall be denominated the city council; and the members thereof shall be sworn to the faithful performance of their respective duties. A majority of each board shall constitute a quorum for the transaction of business, and no member of either board shall receive any compensation for his services.

Selectmen to divide town into six wards.

SECTION 8. It shall be the duty of the selectmen of said town, as soon as may be after the passage of this act and its acceptance, as herein provided, to divide said town into six wards, so that they shall contain, as nearly as may be consistent with well defined limits to each ward, an equal number of voters in each ward, which division may be revised by the city council within three years from the passage hereof. The city council may, in the year eighteen hundred and eighty-five, and in every fifth year thereafter, make a new division of said wards, so that they shall contain, as nearly as may be consistent with well defined limits to each ward, an equal number of voters in each ward according to the census to be taken in the months of May or June in said years.

New division of wards may be made in 1885, and every fifth year thereafter.

Election of ward and city officers, and commencement of municipal year.

SECTION 4. The election of city and ward officers shall take place on the first Tuesday of December annually; and the municipal year shall begin on the first Monday of January following.

Wardens, clerks, and inspectors of elections to be chosen on first Tuesday of December, annually.

SECTION 5. On the first Tuesday of December, annually, there shall be chosen by ballot, in each of said wards, a warden, clerk, and three inspectors of elections, who shall be different persons, residents in the ward, who shall hold their offices one year, and until others shall be chosen and qualified in their stead. Said wardens shall preside at all ward meetings, with the powers of moderators of town meetings; and if at any meeting the warden is not present the clerk shall preside until a warden *pro tempore* is chosen by ballot; if both the warden and clerk are absent, the senior in age of the inspectors present shall preside, until a warden *pro tempore* is so chosen; and if all said officers are absent, any legal voter in said ward may preside until a warden *pro tempore* is so chosen. When any ward officer is absent, or neglects to perform his duty, his office shall be filled *pro tempore*. The clerk shall record all the proceedings and certify the votes, and deliver to his successor in office all the records, journals, documents and papers held by him in his said capacity. The inspectors shall assist the warden in receiving, assorting,

Offices may be filled *pro tempore*.

and counting the votes. All said officers shall be sworn to the faithful discharge of their duties; the warden by the clerk, and the clerk and the inspectors by the warden, or either of said officers by any justice of the peace, and certificates thereof shall be entered on the records of the ward by the clerk. All warrants for meetings of the citizens for municipal purposes, to be held either in wards or in general meetings, shall be issued by the mayor and aldermen, and shall be in such form and served and returned in such manner and at such times as the city council shall direct. The compensation of the ward officers shall be fixed by concurrent vote of the city council.

Warrants for meetings to be issued by mayor and aldermen.

SECTION 6. The mayor and aldermen are authorized, when no convenient ward room for holding ward meetings for the citizens of either wards of the city can be had within the territory or limits of such ward, to appoint and direct, in the warrants for calling the ward meetings of such wards, the said meetings to be held in some convenient and approximate place within the limits of any other of the wards of said city, and for such purposes the place so assigned for the meetings of such ward shall be deemed and taken to be included in and part of said ward as though the same was within the territorial limits thereof.

Ward meetings may be held without the limits of ward.

SECTION 7. The mayor shall be chosen by the qualified voters of the city at large, voting in their respective wards, and shall hold his office for the municipal year next following his election, and until another shall have been chosen and qualified in his place.

Mayor to be chosen by voters at large, for one year.

SECTION 8. One alderman shall be chosen from and by the qualified voters of the city at large voting in their respective wards; and one alderman and three common councilmen shall be chosen from and by the qualified voters of each ward of the city, and shall be residents of the wards where chosen. The said aldermen and common councilmen shall hold their offices for one year from the first Monday of January following their election, and until a majority of the new boards shall be elected and qualified.

One alderman to be elected at large, and one by each ward; three common councilmen from each ward.

SECTION 9. On the first Tuesday of December annually, the qualified voters in the several wards shall give in their votes by ballot for mayor, aldermen, common councilmen and school committee, in accordance with the provisions of this act. All the votes so given shall be assorted, counted, declared and recorded in open ward

Annual municipal election, on the first Tuesday of December.

meeting, by causing the names of the persons voted for, and the number of votes given for each, to be written in the ward record at length. The clerk of the ward, within twenty-four hours thereafter, shall deliver to the persons chosen members of the common council certificates of their election respectively, signed by the warden and the clerk and majority of the inspectors of elections, and shall deliver to the city clerk a copy of the record of such elections, certified in like manner. The board of aldermen shall, within ten days thereafter, examine the copies of the records of the several wards, certified as aforesaid, and shall cause the person who shall have been chosen mayor to be notified in writing of his election; but if it shall appear that no person has been chosen, or if the person chosen shall refuse to accept the office, the board shall issue warrants for a new election, and the same proceedings shall be had in all respects as are herein before provided for the choice of mayor, and from time to time shall be repeated until a mayor shall be chosen and shall accept said office. In case of the decease, resignation or absence of the mayor, or of his inability to perform the duties of his office, or in case of a vacancy in the office of mayor from any cause, it shall be the duty of the board of aldermen and common council respectively, by vote, to declare that a vacancy exists, and the cause thereof; and thereupon the city council shall, by concurrent vote, choose a mayor to fill such vacancy; and the mayor thus chosen shall hold his office until the inability causing such vacancy shall be removed, or until a new election. Each alderman shall be notified in writing of his election by the mayor and aldermen for the time being. The oath prescribed by this act shall be administered to the mayor by the city clerk, or by any justice of the peace. The aldermen and common councilmen elect shall, on the first Monday of January, at ten o'clock in the forenoon, meet in convention, when the oath required by this act shall be administered to the members of the two boards present, by the mayor, or by any justice of the peace; and a certificate of such oath having been taken shall be entered upon the journals of the mayor and aldermen and of the common council, by their respective clerks. After the oath has been administered as aforesaid, the two boards shall separate, and the common council shall be organized by the choice of a president and clerk, to hold their offices respec-

Certificates of election.

Mayor.

Aldermen.

Organization of government.

Common council to choose president and clerk.

tively during the pleasure of the common council, the clerk to be sworn to the faithful performance of the duties of his said office. In case of the absence of the mayor elect on the first Monday of January, or if the mayor shall not then have been chosen, the city council shall organize itself in the manner herein before provided, and may proceed to business in the same manner as if the mayor were present; and the oath of office may at any time thereafter, in convention of the two boards, be administered to the mayor and any member of the city council who may have been absent at the organization. In the absence of the mayor, the board of aldermen may choose a presiding officer *pro tempore*, who shall also preside at the joint meetings of the two boards. Each board shall keep a record of its own proceedings, and judge of the election of its own members; and in case of failure of election, or in case of vacancy declared by either board, the mayor and aldermen shall issue their warrant for a new election.

Aldermen may choose a presiding officer, in absence of the mayor.

SECTION 10. The mayor shall be the chief executive officer of the city. It shall be his duty to be active and vigilant in causing the laws and regulations of the city to be enforced, and to keep a general supervision over the conduct of all subordinate officers. And he may, whenever in his opinion the public good requires, remove, with the consent of the appointing power, any officer over whose appointment he has, in accordance with the provisions of this charter, exercised the power of nomination. He may call special meetings of the boards of aldermen and common council, or either of them, when in his opinion the interests of the city require it, by causing notices to be left at the usual place of residence of each member of the board or boards to be convened. He shall from time to time communicate to both boards such information and recommend such measures as the business and interests of the city may in his opinion require. He shall, when present, preside in the board of aldermen, and in convention of the two boards. His salary for the first five years, under this charter, shall be fixed by the city council, but shall not exceed the sum of five hundred dollars per annum. Afterward it shall be fixed by concurrent vote of the city council. It shall be payable at stated periods, but shall not at any time be increased or diminished during the year for which he is chosen. He shall receive no other compensation.

Mayor to be chief executive officer of the city.

Salary.

Ordinances,
joint orders,
etc., to be sub-
mitted to mayor
for approval.

Veto power of
mayor.

Executive
power vested in
mayor and
aldermen.

Constables and
police officers.

SECTION 11. Every ordinance, order, resolution or vote to which the concurrence of the board of aldermen and of the common council may be necessary, except on a question of a convention of the two branches or the election of an officer, and every order of either branch of the city council involving the expenditure of money, shall be presented to the mayor. If he approves thereof, he shall signify his approval by signing the same; but if he does not approve thereof, he shall return the ordinance, order, resolution or vote, with his objections in writing, to the branch of the city council in which it originated. Such branch shall enter the objections of the mayor, at large, on its records, and proceed to reconsider said ordinance, order, resolution or vote; and if, after such reconsideration, two-thirds of that branch, present and voting, notwithstanding such objections, agree to pass such ordinance, order, resolution or vote, it shall, together with the objections of the mayor, be sent to the other branch of the city council, if it originally required concurrent action, where it shall also be reconsidered; and if approved by two-thirds of the members present and voting, it shall be in force; but in all cases the vote shall be determined by yeas and nays; and if such ordinance, order, resolution or vote is not returned by the mayor within ten days after it has been presented to him, the same shall be in force.

SECTION 12. The executive power of said city generally, with all the powers heretofore vested by special statute in the selectmen of the town of Malden, and in the selectmen of towns generally, by the laws of the Commonwealth, shall be vested in and may be exercised by the mayor and aldermen as fully as if the same were herein specially enumerated. The mayor and aldermen shall have full and exclusive power to appoint a constable or constables, a city marshal or a chief of police, with all the powers and duties of a constable, and all other police officers. Any of them the mayor may remove, and fill the vacancy or vacancies so made, by appointment; but at the next meeting of the board of aldermen he shall nominate as provided in this act. And the mayor and aldermen may require any person who may be appointed a constable, city marshal or chief of police of the city, to give bonds for the faithful discharge of the duties of the office, with such security and to such an amount as they may deem reasonable and proper; upon which bonds the

like proceedings and remedies may be had as are by law provided in case of constables' bonds taken by the selectmen of towns. The compensation of the police and other subordinate officers shall be fixed by concurrent vote of the city council. The city council shall have the care and superintendence of the city buildings and the custody and management of all city property, with power to let what may be legally let, and to sell, purchase or hire property, real or personal, in the name and for the use of the city, whenever its interests or convenience may in their judgment require it. And they shall as often as once a year cause to be published, for the use of the inhabitants, a particular account of the receipts and expenditures, and a schedule of city property and of the city debt.

Compensation
of police, etc.

Custody and
management of
city property.

SECTION 13. In all cases in which appointments are directed to be made by the mayor and aldermen, the mayor shall have the exclusive power of nomination, being subject, however, to confirmation or rejection by the board of aldermen; and no person shall be eligible by appointment or election by the mayor and aldermen, or city council, to any office of emolument, the salary of which is payable out of the city treasury, who, at the time of such appointment or election, shall be a member of the board of aldermen or of the common council. All sittings of the mayor and aldermen, of the common council, and of the city council shall be public when they are not engaged in executive business.

Appointments
by mayor and
aldermen.

SECTION 14. The city council shall annually, as soon after their organization as may be convenient, choose, by joint ballot in convention, a city clerk, a treasurer, and a collector of taxes, and by concurrent vote choose a city solicitor, a city auditor, and a city physician, who shall hold their offices respectively for the term of one year next ensuing, and until their successors shall be chosen and qualified: *provided, however*, that either of the officers named in this section may be removed at any time by the city council for sufficient cause. Vacancies occurring in the above-named offices may be filled at any time by concurrent vote of the city council. The compensation of the officers mentioned in this section shall be fixed by concurrent vote of the city council.

Annual election
of treasurer,
city clerk, etc.

Proviso.

SECTION 15. The city clerk shall be sworn to the faithful discharge of the duties of his office. He shall have charge of all journals, records, papers and documents of

City clerk to
have charge of
all journals, etc.

City clerk to
deliver records
to successor in
office.

City clerk
pro tempore.

Fire depart-
ment.

City council
may establish
fire limits.

the city, sign all warrants issued by the mayor and aldermen, and do such other acts in his said capacity as the city council may lawfully and reasonably require of him; and shall deliver all journals, records, papers and documents, and other things entrusted to him as city clerk, to his successor in office. He shall also perform all the duties, and exercise all the powers by law incumbent upon or vested in clerks of towns of this Commonwealth. He shall be clerk of the board of aldermen; shall attend said board when the same is in session, and keep a journal of its acts, votes and proceedings; also of the city council when in convention. He shall engross all the ordinances passed by the city council in a book provided for that purpose, and shall add proper indexes, which book shall be deemed a public record of such ordinances; and he shall perform such other duties as shall be prescribed by the board of aldermen. In case of the temporary absence of the city clerk, the mayor, by and with the advice and consent of the board of aldermen, may appoint a clerk *pro tempore*, who shall be duly qualified.

SECTION 16. The city council may establish a fire department for said city, to consist of a chief engineer, and of as many assistant engineers, enginemen, hosemen, hook-and-ladder men and assistants, as the city council, by ordinance, shall from time to time prescribe; and said council shall have authority to fix the time of their appointment and the term of their service, to define their office and duties, and in general to make such regulation concerning the pay, conduct and government of such department, the management of fires, and the conduct of persons attending fires, as they may deem expedient, and may affix such penalties for any violation of such regulations, or of any of them, as are provided for the breach of the ordinances of said city. The appointment of all the officers and members of such department shall be vested in the mayor and aldermen exclusively, who shall also have authority to remove from office any officer or member, for cause, in their discretion. The engineers so appointed shall be the firewards of the city, but the mayor and aldermen may appoint additional firewards. The compensation of the department shall be fixed by concurrent vote of the city council.

SECTION 17. The city council shall have power to establish fire limits within the city, and from time to time

change or enlarge the same; and by ordinance they may regulate the construction of all buildings erected within said fire limits, stipulating their location, sizes, and the material of which they shall be constructed, together with such other rules and regulations as shall tend to insure the same from damage by fire. They shall also have the sole care, superintendence and management of the public grounds belonging to said city, and of all the shade and ornamental trees standing and growing thereon, and also of all the shade and ornamental trees standing and growing in or upon any of the public streets and highways of said city.

To have care of
public grounds.

SECTION 18. The city council first chosen after the acceptance of this act shall, as soon after their organization as may be convenient, choose, by concurrent vote, three persons to be overseers of the poor, one for three years, one for two years, and one for one year; and thereafter the city council shall annually, as soon after their organization as may be convenient, choose in the same manner one person who shall hold his office for the term of three years next ensuing, and until another shall be chosen and qualified in his stead; but no more than one of the three members so to be chosen shall be eligible from any one ward of said city. The persons so chosen shall, with the mayor, constitute the board of overseers of the poor, and the mayor shall be *ex officio* chairman of the board. Vacancies occurring in the board may be filled by concurrent vote of the city council at any time; the members so chosen to hold office for the unexpired term of the member who has ceased to hold office. The city council may at any time remove any elected members of the said board from office for cause. The compensation of the overseers of the poor shall be fixed by concurrent vote of the city council. The board shall be organized annually on the third Monday in January or as soon thereafter as may be convenient.

Overseers of the
poor.

SECTION 19. The city council first chosen after the acceptance of this act shall, as soon after their organization as may be convenient, choose, by concurrent vote, three persons to be assessors of taxes, one for three years, one for two years, and one for one year; and thereafter the city council shall annually, as soon after their organization as may be convenient, choose, in the same manner, one person, who shall hold his office for the term of three years

Assessors of
taxes.

next ensuing, and until another is chosen and qualified in his stead. The person so chosen shall constitute the board of assessors, and shall exercise the powers and be subject to the liabilities and duties of assessors in towns in this Commonwealth. Vacancies occurring in the board may be filled by concurrent vote of the city council at any time, the member so chosen to hold office only for the unexpired term of the member who ceased to hold office. All taxes shall be assessed, apportioned and collected in the manner prescribed by the general laws of the Commonwealth: *provided, however*, that the city council may establish further or additional provisions for the collection thereof. The compensation of the assessors shall be fixed by concurrent vote of the city council.

Water
commissioners.

SECTION 20. The city council first chosen after the acceptance of this act shall, as soon as may be convenient after their organization, choose, by concurrent vote, three persons to be water commissioners, one for three years, one for two years, and one for one year; and thereafter the city council shall annually, as soon after their organization as may be convenient, choose, in the same manner, one person, who shall hold his office for the term of three years next ensuing, and until another shall be chosen and qualified in his stead. Vacancies occurring in the commission may be filled by concurrent vote of the city council at any time. The city council may, at any time, remove any member of said commission from office for cause. The compensation of the water commissioners shall be fixed by concurrent vote of the city council. All power and authority now vested by law in the water commissioners for the town of Malden shall be transferred to and vested in the water commissioners for the city of Malden.

Street
commissioners.

SECTION 21. The city council first chosen after the acceptance of this act, shall, as soon as may be convenient after their organization, choose, by concurrent vote, three persons to be street commissioners, one for three years, one for two years, and one for one year; and thereafter the city council shall annually, as soon after their organization as may be convenient, choose, in the same manner, one person, who shall hold his office for the term of three years next ensuing, and until another shall be chosen and qualified in his stead. The persons so chosen shall constitute the board of street commissioners. Vacancies occur-

ring in the board may be filled by the concurrent vote of the city council at any time. The city council may at any time remove any member of said board from office for cause. The compensation of the street commissioners shall be fixed by concurrent vote of the city council. Any of the powers vested in the city council, or in the mayor and aldermen, in respect to the laying out, accepting, altering, discontinuing or repairing any street or town way, may be delegated to or conferred upon the board of street commissioners; and the city council may direct under what limitations and restrictions the said powers shall be exercised, may modify them from time to time, and may revoke them or any of them.

SECTION 22. The city council first chosen after the acceptance of this act shall, as soon as may be convenient after their organization, choose, by concurrent vote, six persons to be sinking fund commissioners, two for three years, two for two years, and two for one year; and thereafter the city council shall annually, as soon after their organization as may be convenient, choose, in the same manner, two persons, who shall hold their office for the term of three years next ensuing, and until others shall be chosen and qualified in their stead. Vacancies occurring in the commission may be filled by the concurrent vote of the city council at any time. The city council may, at any time, remove any member of said commission from office for cause.

Sinking fund
commissioners.

SECTION 23. The city council shall, in such manner as they shall determine, choose, or appoint all other subordinate officers, for whose election or appointment other provision is not herein made, define their duties, and fix their compensation.

Appointment of
subordinate
officers.

SECTION 24. The qualified voters of the city shall, on the first Tuesday of December next after the acceptance of this act, choose by ballot nine persons to be members of the school committee, three to be chosen for three years, three for two years, and three for one year, from the first Monday of January next ensuing; and thereafter three persons shall be chosen at each annual meeting, for the term of three years from the first Monday of January next ensuing; and the persons so chosen shall, with the mayor, constitute the school committee, and have the care and superintendence of the public schools. The school committee shall serve without compensation. The mayor

School
committee.

To serve with-
out compensa-
tion.

- shall be *ex officio* chairman of the board. The committee may choose from their own number a chairman, who shall preside in the absence of the mayor. The said committee shall appoint from their own number, or otherwise, a secretary, to be under the direction and control of said committee, and may appoint, but not from their own number, a superintendent of the schools, and the compensation of such secretary and superintendent shall be determined from year to year by the school committee, both of whom they may remove at their pleasure. Vacancies occurring in the board may be filled by the joint ballot of the city council and school committee at any time, in convention, the member so chosen to hold office only for the remainder of the municipal year. All the rights and obligations of said town of Malden, in relation to the grant and appropriations of money for the support of schools, and the special powers and authority heretofore conferred by law upon the inhabitants of said town to raise money for the support of schools therein, shall be merged in the powers and obligations of the city, to be exercised in the same manner as over other subjects of taxation; and all grants and appropriations of money for the support of schools, and the erection and repair of school houses in said city, shall be made by the city council in the same manner as grants and appropriations are made for other city purposes.
- SECTION 25.** All city and ward officers shall be held to discharge the duties of the offices to which they have been respectively chosen, notwithstanding their removal after their election out of their respective ward into any other wards of the city; but a removal of residence out of the city shall cause a vacancy to exist in the offices to which they were chosen.
- SECTION 26.** The city council shall take care that no money be paid from the treasury unless granted or appropriated, and shall secure a just and proper accountability by requiring bonds, with sufficient penalties, and sureties from all persons trusted with the receipt, custody or disbursement of money.
- SECTION 27.** The city council shall have exclusive authority and power to lay out any new street or town way, and to estimate the damages any individual may sustain thereby; but all questions relating to the subject of laying out, accepting, altering or discontinuing any street or way shall first be acted upon by the mayor and alder-
- Secretary of committee.
- Superintendent of schools.
- Appropriations for support of schools.
- Officers to discharge their duties after removal to another ward.
- Payments from the treasury.
- City council to lay out streets and estimate damages.

men, and any person dissatisfied with the decision of the city council in the estimate of damages may make complaint to the superior court or the county commissioners of the county of Middlesex, in term time or vacation, within one year after such decision, whereupon the same proceedings shall be had as are now provided by the laws of this Commonwealth in cases where persons are aggrieved by the assessment of damages by selectmen, in the forty-third chapter of the General Statutes.

SECTION 28. The city council shall have power within said city to make and establish such ordinances and by-laws, not inconsistent with the laws of the Commonwealth, as cities and towns have power by law to make and establish, such ordinances and by-laws to have force and effect within such city; and to modify, amend or repeal the same; and to annex penalties not exceeding twenty dollars for the breach thereof: *provided, however*, that all laws and regulations in force in the town of Malden shall, until they shall expire by their own limitation, or be revised or repealed by the city council, remain in force; and all fines and forfeitures for the breach of any by-law or ordinance shall be paid into the city treasury, and any complaint for any violation thereof may be made by the mayor, city clerk, city treasurer, city marshal or chief of police.

May make ordinances and by-laws.

Proviso.

SECTION 29. All elections of national, state, county and district officers, who are voted for by the people, shall be held at meetings of the citizens qualified to vote at such elections in their respective wards, at the time fixed by law for these elections respectively.

Election of national, state, county and district officers.

SECTION 30. Prior to every election, the mayor and aldermen shall make out lists of all the citizens of each ward qualified to vote in such elections, in the manner in which selectmen of towns are required to make out lists of voters; and for that purpose they shall have full access to the assessors' books and lists, and are empowered to call for the assistance of the assessors, and other city officers; and they shall deliver the lists so prepared and corrected to the clerks of the several wards, to be used at such elections; and no person shall be entitled to vote whose name is not borne on such list. A list of the voters of each ward shall be posted in one or more public places in said ward.

Lists of voters to be made out, and delivered to ward clerks, by the mayor and aldermen.

To be posted in each ward.

SECTION 31. General meetings of the citizens qualified to vote may from time to time be held to consult upon

General meetings of citizens.

the public good, to instruct their representatives, and to take all lawful means to obtain redress for any grievances, according to the right secured to the people by the constitution of this Commonwealth, and such meetings may and shall be duly warned by the mayor and aldermen, upon the request in writing, setting forth the purposes thereof, of fifty qualified voters.

Board of health.

SECTION 32. All power and authority now vested by law in the board of health for the town of Malden, or in the selectmen thereof, shall be transferred to and vested in the mayor and aldermen, until the city council, who shall have authority to establish a board of health, shall otherwise provide.

Repeal.

SECTION 33. All acts, and parts of acts, inconsistent with this act, are hereby repealed: *provided, however*, that the repeal of the said acts shall not affect any act done, nor any right accruing or accrued or established, nor any suit or proceeding had or commenced in any civil case before the time when such repeal shall take effect; and that no offence committed, and no penalty or forfeiture incurred under any act hereby repealed, and before the time when such repeal shall take effect, shall be affected by the repeal; and that no suit or prosecution pending at the time of the said repeal, for any offence committed or for the recovery of any penalty or forfeiture incurred under said acts, shall be affected by such repeal; and *provided, also*, that all persons who, at the time of the said repeal taking effect, shall hold any office under the said acts, shall continue to hold the same until the organization of the city government, contemplated by this charter, shall be completely effected.

Proviso.

First meeting
for election of
city officers.

SECTION 34. For the purpose of organizing the system of government hereby established, and putting the same in operation in the first instance, the selectmen of the town of Malden, for the time being, shall issue their warrants seven days at least previous to the first Tuesday of December next after the acceptance of this act, calling meetings of the citizens of each ward on that day, at such place and hour as they may deem expedient, for the purpose of choosing a warden, clerk and inspectors for each ward, and all other officers whose election is provided for in the preceding sections of this act; and the transcripts of the records in each ward specifying the votes given for the several officers aforesaid, certified by the warden and clerk

of the ward at said first meeting, shall be returned to the selectmen, whose duty it shall be to examine and compare the same; and in case such elections should not be completed at the first meeting, then to issue new warrants until such elections shall be completed, and to give notice thereof, in manner before provided, to the several persons elected. And at said first meeting a list of voters in each ward, prepared and corrected by the selectmen for the time being, shall be delivered to the clerk of each ward, when chosen, to be used as herein before provided. After the choice of the city officers as aforesaid, or a majority of both boards, the selectmen shall appoint a place for their first meeting, and shall, by written notice left at the place of residence of each member, notify them thereof. And after this first election of city officers, and this first meeting for the organization of the city council, as provided for in this section, the day of holding the annual elections, and the day and hour for the meeting of the city council for the purpose of organization, shall remain as provided for in this act. It shall be the duty of the city council, immediately after the first organization, to carry into effect the several provisions of this act.

List of voters in each ward to be delivered to ward clerk.

SECTION 35. This act shall be void, unless the inhabitants of the town of Malden, at a legal town meeting called for that purpose, to be held within two years from the passage of this act, shall, by a vote of a majority of the voters present, voting thereon as hereinafter provided, determine to adopt the same. At said meeting the votes shall be taken by written or printed ballots, and the polls shall be kept open not less than nine hours. The selectmen shall preside in said meeting, and in receiving said ballots shall use the check lists in the same manner as they are used in elections of state officers, and no meeting for this purpose shall be held during the months of November or December.

Act void unless accepted by a majority vote within two years.

SECTION 36. This act shall take effect upon its passage.

Approved March 31, 1881.

[Accepted June 9, 1881.]

[B., C., F. and N. B., 1877, 170; F. and L., 1878, 188.]

Chap. 170 AN ACT to authorize the Purchasers of the Franchises and Property of the Framingham and Lowell Railroad Company to organize a New Corporation.

Be it enacted, etc., as follows:

If franchise and property is purchased by the Boston, Clinton, Fitchburg and New Bedford Railroad Company, new corporation to be formed.

Mortgage of property.

New corporation may issue shares of preferred stock.

SECTION 1. The Boston, Clinton, Fitchburg and New Bedford Railroad Company, being an attaching creditor of the franchises and property of the Framingham and Lowell Railroad Company, whenever it shall cause the same to be sold on execution, may bid therefor, and if it shall be the highest bidder, may purchase the same, and hold said franchises and property absolutely, and thereupon, with its associates and successors, and conformably to the provisions hereinafter contained, shall form a corporation under the name of the Lowell and Framingham Railroad Company. Said corporation shall hold and enjoy all the franchises and property sold on execution as aforesaid as its absolute property forever, with all the rights, powers and privileges theretofore belonging to said Framingham and Lowell Railroad Company, subject only to an existing lease to the said Boston, Clinton, Fitchburg and New Bedford Railroad Company, and to a first mortgage made to secure bonds to the amount of five hundred thousand dollars, dated April first in the year of our Lord one thousand eight hundred and seventy-one, and recorded with Middlesex county deeds, and subject to the proviso that the said corporation shall forthwith, after its organization, execute to the trustees under said mortgage of the Framingham and Lowell Railroad Company, a valid mortgage of all its property, in such form as shall be approved by the railroad commissioners to secure the payment of said mortgage bonds, with interest at the rate of five per cent. per annum, and the said bonds shall constitute a first lien upon the property of said Lowell and Framingham Railroad. Said corporation shall be subject to all general laws relating to railroad corporations not inconsistent with the provisions of this act.

SECTION 2. The corporation formed under the provisions of this act is hereby authorized to issue not exceeding five thousand shares of preferred stock of the par value of one hundred dollars per share, and not exceeding five thousand two hundred and fifty shares of common stock, of the par value of one hundred dollars per share. The preferred stock issued under this act shall be entitled

to receive dividends out of net earnings, and after deducting interest, in preference and priority to the common stock, such dividends in no case to exceed two and one-half per cent. on said stock for the six months preceding the time of declaring the same.

SECTION 3. The preferred stock authorized by the preceding section shall be issued at par to all creditors not secured by mortgage of the Framingham and Lowell Railroad Company, who shall elect in writing to receive the same at the meeting called for the organization of the new corporation, or within three months after the organization of the new corporation, including all attaching creditors and holders of its eight per cent. coupon notes, to the amount of their respective claims, and including past due coupons or interest warrants on said eight per cent. coupon notes without interest; and in full payment of said claims: *provided, however*, that the amount of said attaching creditor's debt shall, so far as its interest in the new corporation is concerned, be fixed at forty thousand dollars, being and for the amount of eight per cent. coupon notes of said Framingham and Lowell Railroad Company, with the amount of interest warrants due thereon added to said forty thousand dollars now held by said attaching creditor, and for no other indebtedness, and that the preferred stock to that amount issued to it, under this act, shall be in full payment of its entire claim, or claims, of any kind or description against said Framingham and Lowell Railroad Company. The common stock authorized by the preceding section shall be issued share for share to the holders of the common stock of the Framingham and Lowell Railroad Company; *provided, however*, that any owner of the common stock of the Framingham and Lowell Railroad Company may, if he so elects in writing, at the meeting called for the organization of the new corporation, or within three months after the organization of the new corporation, have issued to him, in lieu of the shares of common stock in the new corporation, one share of preferred stock of the new corporation for every five shares of the common stock of the Framingham and Lowell Railroad Company of which he may be the holder.

SECTION 4. Within two months after the sale as aforesaid, a meeting of the creditors, not secured by mortgage, and stockholders of said Framingham and Lowell Railroad Company shall be held at some convenient place on the

Preferred stock to be issued at par to creditors not secured by mortgage.

Proviso.

Issue of common stock.

Proviso.

Organization of corporation if purchaser is other than the attaching creditor.

line of said railroad, after notice signed by the president of the Boston, Clinton, Fitchburg and New Bedford Railroad Company and the president of the Framingham and Lowell Railroad Company, or by the purchaser at said sale other than said attaching creditor, if said purchaser shall elect to organize a corporation under this act, and published three times prior to the day of said meeting in at least one newspaper published in the cities of Boston, Lowell and Fitchburg, the first publication to be at least ten days prior to the day of said meeting, which notice shall set forth that said meeting is for the purpose of organizing the corporation under the provisions of this act.

Creditors not secured by mortgage and stockholders may receive stock in new corporation.

SECTION 5. The creditors not secured by mortgage, and stockholders who, at the meeting provided for in the preceding section, shall signify in writing their election so to do, shall be entitled to receive as aforesaid, in exchange for their stock, and in payment of their debt, stock at par in the corporation formed under the provisions of this act, and they shall, at said meeting, organize the corporation by the choice of a clerk and a board of directors, according to law, and they may transact any business that may be required to complete such organization or to carry into effect the purposes and provisions of this act. All unsecured creditors, not electing to take preferred stock in the new corporation, shall be paid their ratable proportion of the proceeds of said sale, to be ascertained by deducting therefrom the amount of said attaching creditor's entire debt. If any person other than the said attaching creditor shall purchase at said sale, he may organize a corporation under this act as above provided, and in such case the said attaching creditor shall have the option of receiving preferred stock for the full amount of its judgment debt and costs, or of receiving, in lieu thereof, a dividend in cash from the proceeds of sale upon its said judgment debt and costs, *pro rata* with all creditors, but in no case shall the Boston, Clinton, Fitchburg and New Bedford Railroad Company be required to waive its right to take the proceeds of said sale to the full amount of its judgment debt and costs, unless all *bona fide* subsequent attaching creditors waive all their rights under their attachments, and agree to share the proceeds of said sale ratably with all other unsecured creditors and said Boston, Clinton, Fitchburg and New Bedford Railroad Company.

Creditors unsecured, not electing to take stock, to be paid ratable proportion of proceeds of sale.

When and how

SECTION 6. This act shall take effect upon its passage,

so far as to authorize a special meeting of the Framingham and Lowell Railroad Company to be called for the purpose of acting upon its acceptance; but it shall not take effect otherwise until accepted by said company at such meeting or at any adjournment thereof, and it shall not be binding upon the Boston, Clinton, Fitchburg and New Bedford Railroad Company unless, before the sale upon execution referred to in the first section, it is accepted by vote of the directors of said corporation, nor shall it affect the rights or liens of any party which are superior to the said attachment of said corporation.

act shall take effect.

Approved March 31, 1881.

[1877, 143.]

AN ACT to enable the Town of Peabody to improve its Water Works and increase its Water Supply. *Chap. 171*

Be it enacted, etc., as follows:

SECTION 1. The town of Peabody, for the purpose of increasing the capacity and efficiency of its water works, is hereby authorized to take and hold, by purchase or otherwise, such lands in said town as may be necessary and convenient for erecting and maintaining an engine house and pumping station, and a stand-pipe or high-service reservoir, and any structures required in connection with said works; and on said lands may erect and maintain said works, buildings and structures, and any other appliances necessary and proper for said purpose, and may connect said works and structures with each other and with the aqueducts of said town, whether now or hereafter laid.

May take and hold land by purchase or otherwise.

May erect and maintain works and buildings.

SECTION 2. In the prosecution of said work, and for the purpose aforesaid, and for the purpose of connecting the water works now owned by said town or authorized by this act with the new sources of water supply hereinafter mentioned, said town may lay and maintain pipes or other works over or under any water course, street, railroad, highway or other way, or any land whatever, and in general may do any other acts and things necessary and proper for the carrying out of said purposes; and if for said purposes said town enters upon or digs up any land, street or way, it shall restore the same to as good order and condition as it was in before such digging commenced, and the work shall be done in such manner and with such care as not to render such land, street or way unsafe or unnecessarily inconvenient to those entitled to use the same.

May lay pipes over or under any water course, highway, or other way.

May dig up land, etc.

SECTION 3. Said town is also authorized for the pur- *May take the*

waters of Cedar
and Humphrey's
Ponds.

May take land
around margins
of ponds, not
exceeding five
rods in width.

Works to be
under direction
of the water
board unless
otherwise voted
by the town.

To file in regi-
stry of deeds, a
description of
the land taken.

Liability of
town for
damages.

Damages.

poses aforesaid, and to increase its supply of water, to take, hold and convey into the reservoirs, aqueducts or other works now owned by said town, or authorized by this act, the waters of Cedar Pond in said town, and the waters of Humphrey's Pond situated partly in said Peabody and partly in Lynnfield, and the waters which flow into and from said ponds, and any water rights connected therewith, and may also take and hold, by purchase or otherwise, such lands around the margins of said ponds, not exceeding five rods in width, as may be necessary for the preservation and purity of said waters, and may also take and hold in like manner such lands as may be necessary for maintaining dams and reservoirs for the storage of said waters, and such lands as may be necessary for erecting and maintaining any works proper for the taking and distribution of said waters.

SECTION 4. The water board of said town of Peabody shall execute, superintend and direct the performance of all the works, matters and things mentioned in this act, unless it is otherwise provided herein, or unless other officers or agents shall be by vote of the town expressly chosen for said purpose.

SECTION 5. Said town of Peabody, within sixty days after the taking of any land as aforesaid, shall file in the registry of deeds for the southern district of the county of Essex a description thereof sufficiently accurate for identification, and the title of all land so taken shall vest in said town.

SECTION 6. Said town of Peabody shall be liable to pay all damages sustained by any persons or corporations by the taking of any land, water, water rights, franchises or property, or by the constructing of any aqueducts, reservoirs or other works for the purposes aforesaid. If any person or corporation, sustaining damages as aforesaid, cannot agree with the town upon the amount of such damages, he may have them assessed and paid in the same manner as is provided by law with respect to land taken for highways; but no application shall be made for the assessment as aforesaid of damages for the taking of any water rights or for any injury thereto until the water is actually withdrawn or diverted by the town; and any person or corporation whose water rights are thus taken or affected may apply as aforesaid at any time within three years from the time when the water is first actually withdrawn or diverted.

SECTION 7. For the purpose of defraying the cost and expenses which may be incurred in any work or taking of property under the provisions of sections one and two of this act, said town of Peabody, through its treasurer, shall have authority to issue from time to time promissory notes or bonds to an amount not exceeding one hundred thousand dollars, bearing interest at a rate not exceeding six per centum per annum, the principal payable at periods not more than thirty years from the issuing of said notes or bonds. Said town may sell the same or any part thereof, from time to time, or pledge the same for money borrowed for the purpose aforesaid on such terms and conditions as it may deem proper. Said town is further authorized to make appropriations and assess from time to time such amounts as may be necessary to pay the interest on said loans and the principal at the maturity of said notes or bonds.

Notes or bonds may be issued not exceeding \$100,000.

SECTION 8. In case said town of Peabody shall take any waters, water rights or land, or construct aqueducts or other works in connection with said new sources of supply, under the provisions of section three of this act, said town is authorized, for the purpose of defraying the cost and expenses occasioned thereby, to raise sufficient money therefor by taxation, or by borrowing in manner provided in section seven of this act; and also to appropriate and assess such amounts as may be necessary to pay the interest on any sum so borrowed, and the principal when due.

May raise money by taxation to pay for water or land taken under section three.

SECTION 9. This act shall take effect upon its passage, and shall become void unless accepted within two years by a majority vote of the legal voters of the town of Peabody, present and voting at a legal meeting called for that purpose; and no more than three meetings shall be called for said purpose in any one year. *Approved April 6, 1881.*

Act void unless accepted by a majority vote within two years.

AN ACT to incorporate the Town of Wellesley.

Chap. 172

Be it enacted, etc., as follows:

SECTION 1. All that territory lying within the limits of the town of Needham northerly and westerly of a line beginning at a point in the boundary line between the towns of Needham and Dover seventy-five feet northerly from the central line of Charles River Street where it crosses Charles River; thence running north-easterly about four miles and seventy-six one-hundredths of a

Town of Wellesley incorporated.



mile to a point in the centre of the reservoir, so called, near the village of Newton Upper Falls, two hundred feet easterly from a point in the centre line of Reservoir Street midway between the abutments of the bridge by which said Reservoir Street crosses said reservoir; thence running easterly by the centre line of said reservoir about fourteen hundred feet to a point in the boundary line between the town of Needham and the city of Newton near the centre of Charles River, is hereby incorporated into a town by the name of Wellesley; and the said town is hereby invested with all the powers, privileges, rights and immunities and is subject to all the duties and requisitions to which other towns are entitled and subject by the constitution and laws of this Commonwealth.

Payment of
assessed taxes.

SECTION 2. The inhabitants of said town of Wellesley shall pay all taxes which have been legally assessed upon them by the town of Needham; and all such taxes not now collected shall be collected by and paid to the proper officers of the town of Needham in the same manner as if this act had not passed, and, until the next state valuation, the proportion of the state and county taxes to be assessed upon the towns of Needham and Wellesley shall be ascertained and determined by the last valuation of the town of Needham; and the assessors of the town of Needham shall make return of said valuation, and of the proportions thereof in the towns of Needham and Wellesley respectively, to the secretary of the Commonwealth, and to the commissioners of the county of Norfolk.

Support of
paupers.

SECTION 3. Said towns of Needham and Wellesley shall be respectively liable for the support of all persons who now are, or who shall hereafter be, in need of relief as paupers, whose settlements were gained, whether by original acquisition or by derivation, within their respective limits; and the town of Wellesley shall pay annually to the town of Needham two-thirds of the cost paid by the town of Needham for the support or relief of paupers whose settlements were acquired in Needham in consequence of military services in the war of the rebellion: *provided*, that the person who rendered such military services was not at the time of his enlistment an inhabitant of the town of Needham.

Property to be
equally divided
between Need-
ham and
Wellesley.

SECTION 4. All the property both real and personal including claims and rights of action belonging to the town of Needham at the time of the passage of this act, shall be equally divided between the towns of Needham

and Wellesley: *provided, however*, that each of said towns shall hold, retain and own all of said property now within their respective limits; but if either of said towns shall hold and retain more than one-half in value of said property belonging to the town of Needham at the time of the passage of this act, such town shall pay to the other town a sum of money equal to the excess in value of the property so held and retained, over one-half of all said property belonging to the town of Needham at the time of the passage of this act; *provided, nevertheless*, that the town records, public documents, standard weights and measures, and other property of similar nature, shall be the property of and remain in the custody of the town of Needham.

Proviso.

Proviso.

SECTION 5. The town of Wellesley shall assume, pay and discharge a proportion of all the debts and liabilities of the town of Needham at the time of the passage of this act equal to the proportion which the assessors' valuation of the taxable property, real and personal, within the limits of the town of Wellesley bore to the assessors' valuation of the whole amount of taxable property, real and personal, in the town of Needham on the first day of May last past.

Debts to be paid by towns in proportion to assessed valuation of property.

SECTION 6. The annual excess, if any, of maintaining the public schools, highways and bridges in that part of the town of Needham remaining after the division of said town, as provided in this act, over and above the expense of maintaining the public schools, highways and bridges in that part of Needham incorporated as the town of Wellesley, if not agreed upon by the selectmen of Needham and Wellesley, shall be ascertained by the commissioners provided for in section ten of this act, on the basis of the average number of scholars in the public schools of legal school age for the year eighteen hundred and eighty, and the length and condition of the highways and bridges on the first day of January last past; and the town of Wellesley shall pay of such excess in the proportion which the valuation, real and personal, in the year eighteen hundred and eighty of the part of Needham hereby incorporated as the town of Wellesley, bore to the valuation, real and personal, of the remaining part of said town of Needham, and shall provide for, pay and discharge the same as follows, to wit: the town of Wellesley shall pay to the town of Needham a sum of money, the annual interest of which, at five per cent., shall equal in amount the part of such excess to be paid by the town of Wellesley, as herein provided.

Maintenance of public schools, highways and bridges.

Reimburse-
ment for
bounties or
state aid to
soldiers.

SECTION 7. The town of Wellesley shall receive one-half of whatever amount may be refunded to the town of Needham from the Commonwealth or the United States to reimburse said town of Needham for bounties to soldiers, or state aid paid to the family of any soldier, after deducting reasonable expenses:

Expenses of
survey.

SECTION 8. The town of Wellesley shall bear the expense of making the survey of and establishing the line between the towns of Needham and Wellesley.

Suits and pro-
ceedings at law
or in equity.

SECTION 9. All suits and proceedings at law or in equity, where the cause of action in favor of or against the town of Needham arose before the passage of this act, may be instituted, prosecuted or defended, as the case may be, by the town of Needham in the same manner and with the same effect as if this act had not been passed; and the amount recovered in any such suit or proceeding by or against the town of Needham shall be received or paid, as the case may be, and divided between the towns of Needham and Wellesley in the same proportions as the public property and debts of said town of Needham are required to be divided by this act.

Division of
debts and
property.

SECTION 10. In case the towns of Needham and Wellesley shall not agree in respect to the division of the property or debts of the town of Needham, or in respect to the establishment of the boundary line between said towns, or in respect to the amount of money, if any, to be paid by the town of Wellesley to the town of Needham under the provisions of the sixth section of this act, the supreme judicial court for the county of Norfolk shall, upon petition of either one of said towns, and after reasonable notice to the other, appoint three discreet persons as commissioners to hear the parties and determine the differences. Said petition may be filed and said appointment may be made in vacation or in term time. The award of a majority of said commissioners, when returned to and accepted by the court, shall be final; but the court shall have power for proper cause shown to set aside said award, or to recommit it to the commissioners, or to remove said commissioners and to appoint others in their stead. And the court shall have power to render judgment or make any order or decree upon said award, to issue execution or any other proper process to enforce such judgment, decree or order.

Award of
commissioners.

Election
districts.

SECTION 11. The town of Wellesley shall, until other-

wise provided by law, continue to be a part of the eighth congressional district, of the second councillor district, of the second Norfolk senatorial district, and of the ninth representative district of Norfolk County. The inhabitants of said town of Wellesley shall vote for each of said officers in the town of Wellesley. The selectmen and clerk of said town of Wellesley in each of said cases shall make returns as if said town had existed at the time of the formation of said districts.

SECTION 12. Any justice of the peace within and for the county of Norfolk, whose residence is in the town of Wellesley, may issue his warrant, directed to any inhabitant of said town of Wellesley, requiring him to notify and warn the inhabitants thereof, qualified to vote in town affairs, to meet at the time and place therein appointed for the purpose of choosing all such officers as towns are by law authorized and required to choose at their annual meetings; and said warrant shall be served by posting up copies thereof, attested by the person to whom the same is directed, in three or more public places in said town of Wellesley, seven days at least, before such time of meeting. Such justice, or in his absence such inhabitant required to notify the meeting, shall preside until the choice of moderator in said town meeting. The selectmen of said town of Needham shall before said meeting prepare a list of voters in said town of Wellesley, qualified to vote at said meeting, and shall deliver the same to the person presiding at such meeting before the choice of moderator thereof.

First meeting
for election of
town officers.

SECTION 13. This act shall take effect upon its passage.

Approved April 6, 1881.

AN ACT to provide for the Laying out of Public Parks in the City of Newton.

Chap. 173

[Rejected June 8, 1881.]

AN ACT to supply the Town of Weymouth with Pure Water.

Chap. 174

Be it enacted, etc., as follows:

SECTION 1. The town of Weymouth is hereby authorized to supply itself and its inhabitants with pure water to extinguish fires, generate steam, and for domestic and other uses; and may establish public fountains and hydrants, regulate their use, and discontinue the same, and

Water supply
for town of
Weymouth.

may collect such rents as may be fixed for the use of said water.

May take the waters of Weymouth Great Pond.

May take lands, and erect dams and reservoirs.

May dig up streets.

To file in registry of deeds a description of the land and waters taken.

Liability of town for damages.

SECTION 2. Said town for the purposes aforesaid may take and hold the waters of Weymouth Great Pond, so called, in the town of Weymouth, and the waters which flow into and from the same, together with any water rights connected therewith, and may also take and hold, by purchase or otherwise, all necessary lands for raising, flowing, holding, diverting, conducting, purifying and preserving such waters, and conveying the same to any and all parts of said town of Weymouth; and may erect thereon proper dams, reservoirs, buildings, fixtures, and other structures, and make excavations and embankments, and procure and run machinery therefor; and for the purposes of this act may construct and lay down conduits, pipes and drains in, under or over any lands, water courses, or railroads, and along any street, highway, alley, or other way, but in such a manner as not unnecessarily to obstruct the same; and for the purpose of constructing, laying down, maintaining, and repairing such conduits, pipes and drains, and for all other proper purposes of this act, may dig up, raise, and embank any such lands, street, highway, alley, or other way, in such a manner as to cause the least hindrance to travel thereon: *provided*, that within ninety days after the time of taking any lands, waters, or water courses as aforesaid, otherwise than by purchase, said town shall file in the registry of deeds for the county of Norfolk a description thereof sufficiently accurate for identification, with a statement of the purposes for which the same is taken, signed by a majority of the water commissioners hereinafter named.

SECTION 3. Said town of Weymouth shall be liable to pay all damages sustained by any persons or corporations in their property by the taking of any lands, water, or water rights, or by the construction of any aqueducts or other works for the purposes aforesaid. If any person or corporation sustaining damages as aforesaid cannot agree with the town upon the amount of such damages, they may have them assessed in the manner provided by law with respect to land taken for highways; but no application shall be made to the county commissioners for the assessment of damages for the taking of water rights, until the water is actually taken and diverted by said town. Any person whose water rights are thus taken or affected

may apply as aforesaid within three years from the time the water is actually withdrawn or diverted, and not thereafter.

SECTION 4. For the purpose of paying all necessary expenses and liabilities incurred under the provisions of this act, said town of Weymouth shall have authority, from time to time, to issue notes, bonds, or scrip, signed by its treasurer and countersigned by the chairman of the selectmen thereof, to be denominated "Weymouth Water Loan," to an amount not exceeding three hundred thousand dollars, payable at periods not exceeding thirty years from the date thereof, with interest payable semi-annually, at a rate not exceeding seven per centum per annum; and said town may sell said bonds at public or private sale, upon such terms and conditions as it may deem proper, and may raise money by taxation to pay said bonds and interest thereon when due; but said town shall not raise more than five thousand dollars in any one year to pay the principal of said bonds, except the year in which the same may become due.

Weymouth
water loan.

SECTION 5. The treasurer of said town and the chairman of the selectmen thereof, *ex officio*, and three persons to be elected by ballot by the said inhabitants, as hereinafter provided, shall form a board of water commissioners, who shall execute, superintend and direct the performance of all the works, matters and things mentioned in this act, and exercise all the rights, powers and privileges hereby granted, and not otherwise specifically provided for herein, subject to the vote of said town.

Board of water
commissioners.

SECTION 6. At any annual meeting of the inhabitants of said town, or at any special meeting called for the purpose, one of the three persons to be elected according to the provisions of the preceding section shall be elected for a term ending one year, one for a term ending two years, and one for a term ending three years, from the next succeeding annual town meeting; after which first election a member of said board, as the term of each expires, shall be elected at the annual town meeting for the term of three years. Vacancies may be filled at any town meeting duly called for the purpose. Said commissioners shall receive such compensation as the said town by vote may prescribe; and a majority of said commissioners shall be a quorum for the exercise of the powers and duties prescribed by this act.

To hold office
for three years.

Vacancies.

Compensation.

May establish
water rates.

Sinking fund.

Water rates
may be in-
creased after
three years, if
income is insuf-
ficient to pay
accruing in-
terest.

SECTION 7. Said water commissioners shall, from time to time, establish such prices or rents for the use of the water as to provide annually, if practicable, from the net income and receipt therefor, for the payment of the interest on the "Weymouth Water Loan," and also, after three years from the introduction of the water into said town, for the further payment of not less than one per centum of the principal of said bonds. The net surplus income and receipts, after deducting all expenses, interest and charges of distribution, shall be set apart as a sinking fund, and applied solely to the payment of the principal of said bonds until the same are fully paid and discharged. Said water commissioners shall be trustees of said fund, and shall annually, and as often as said town may require, render an account of all their doings in relation thereto.

SECTION 8. At any time after the expiration of three years from the introduction of said water into said town, and before the re-imbursement of the principal of said "Weymouth Water Loan," if the surplus income and receipts for the use of the water distributed under this act at the price established by the water commissioners, after deducting all expenses and charges of distribution, shall for any two successive years be insufficient to pay the accruing interest on the said loan, and the one per centum to the sinking fund as aforesaid, then the supreme judicial court, or any justice thereof, on the petition of twenty-five or more of the legal voters of said town, praying that the said price of said water be increased so far as may be necessary for the purpose of paying from the said surplus income and receipts the said accruing interest, and the said one per centum to the sinking fund,—and upon due notice of the pendency of such petition, given to said town in such manner as said court shall order,—may appoint three commissioners, who, upon due notice to the parties interested, may raise and increase the said price if they shall judge proper, so far as may be necessary for the purpose aforesaid, and no further; and the award of said commissioners, or the major part of them, being returned to said court at the next term thereof for the county of Norfolk, and accepted by said court, shall be binding and conclusive for the term of three years next after the said acceptance, and until the price so fixed shall, after said term, be changed by the said water commissioners or by said town.

SECTION 9. The occupant of any tenement or building shall be liable for the payment of the rent for the use of the water in such tenement or building, and the owner thereof shall also be liable, on being notified of such use, until he shall object thereto by written notice to said water commissioners.

Liability of tenant and occupant of building.

SECTION 10. Any person who shall use said water without the consent of the town, or who shall wantonly or maliciously divert the water, or any part thereof, taken, held or used under the provisions of this act, or who shall wantonly or maliciously corrupt the same, or render it impure, or who shall wantonly or maliciously destroy or injure any dam, conduit, aqueduct, pipe or hydrant, or other property real or personal, held, owned or used by the said town for the purposes of this act, shall pay three times the actual damage to said town, to be recovered in an action of tort. Any such person, on conviction of either of the wanton or malicious acts aforesaid, shall be punished by fine not exceeding one hundred dollars, or imprisonment not exceeding six months, or both said penalties.

Penalty for diverting water or rendering the same impure.

SECTION 11. This act shall take effect upon its passage; but nothing shall be done, or any expenditure made, or liability incurred under the same, except for preliminary surveys and estimates, unless this act shall first be accepted by vote of a majority of the legal voters of said town, present and voting thereon at a legal meeting called for that purpose, within three years from the date of the passage of this act; the number of said meetings called for that purpose in one year not to exceed three.

Subject to acceptance by a majority vote.

Approved April 6, 1881.

[Special Laws, vol. 1, p. 403.]

AN ACT to empower the "Baptist Religious Society in Haverhill" to convey its Real Estate free of Trusts. **Chap. 176**

Be it enacted, etc., as follows:

SECTION 1. The "Baptist Religious Society in Haverhill," is hereby authorized and empowered to sell and convey free and discharged of all uses and trusts which may affect all or any part thereof, and in such manner as it may by vote determine, the land with the meeting-house of said society thereon situated in Haverhill in the county of Essex, on the north side of Merrimac Street, and extending from How Street to Pecker Street.

May convey real estate free of trusts.

SECTION 2. The said society shall invest the proceeds

Investment of proceeds.

of the sale of said land and building in a manner as nearly as may be in accordance with the purposes for which they are now held.

SECTION 3. This act shall take effect upon its passage.

Approved April 6, 1881.

Chap. 177 AN ACT to change the Name of the "Second Universalist Society in the Town of Western."

Be it enacted, etc., as follows :

Name changed to the Universalist Society of Warren.

SECTION 1. The name of the "Second Universalist Society in the town of Western," is hereby changed to that of the Universalist Society of Warren.

Rights to real property conveyed.

SECTION 2. All rights to real property heretofore intended to be conveyed to the Second Universalist Society in the town of Western under the name of the Second Universalist Society of Warren shall vest in the Universalist Society of Warren.

SECTION 3. This act shall take effect upon its passage.

Approved April 6, 1881.

[1876, 184.]

Chap. 190 AN ACT in relation to the Massachusetts Central Railroad Company.

Be it enacted, etc., as follows :

Time for location and construction extended.

SECTION 1. The time within which the Massachusetts Central Railroad Company may locate and construct its railroad is hereby extended to the first day of May in the year eighteen hundred and eighty-three, and the provisions of chapter two hundred and sixty of the acts of the year eighteen hundred and sixty-nine, and sections two and four of chapter two hundred and fifty-three of the acts of the year eighteen hundred and seventy-nine, and chapter one hundred and sixty-nine of the acts of the year eighteen hundred and eighty as amended by chapter ninety-four of the acts of the year eighteen hundred and eighty-one, are hereby revived and continued in force. But said railroad shall not cross at grade level the tracks of the Connecticut River Railroad Company and the New Haven and Northampton Company at Northampton, except with the consent of the railroad commissioners as provided by law, and all structures for crossing under said tracks in Northampton shall be approved by the railroad commissioners and shall be constructed at the expense of the said Massachusetts Central Railroad Company.

Crossings.

SECTION 2. That portion of the Massachusetts Central Railroad from Amherst to Northampton shall be completed on or before the completion of the extension from Amherst to the line of the Troy and Greenfield Railroad, and the work of construction upon the easterly extension shall at no time be further advanced than it is between said extension and the Worcester and Nashua Railroad in the town of West Boylston, and the laying of the track shall not be begun on said easterly extension until the board of railroad commissioners shall certify in writing that the entire grading, masonry and bridging have been so far completed between the easterly terminus of said easterly extension and said Worcester and Nashua Railroad in said town of West Boylston, as to allow the laying of the track continuously to that point; and shall further certify that the work of construction west of the Worcester and Nashua Railroad has been so far advanced as to admit of the completion of the entire line to Northampton within the time specified in section one of this act.

Construction regulated.

SECTION 3. The Massachusetts Central Railroad Company may, with the consent of the governor and council, locate and construct its railroad not exceeding five rods in width, over and upon the lands of the trustees of the Massachusetts Agricultural College in the town of Amherst, and said railroad company shall pay such damages for the land taken for such location as may be agreed upon by it and said trustees, and in the absence of such agreement said damages shall be determined as provided by law.

May construct road over lands of the Agricultural College.

SECTION 4. This act shall take effect upon its passage.

Approved April 8, 1881.

AN ACT to establish the City of Brockton.

Chap. 192

Be it enacted, etc., as follows:

SECTION 1. The inhabitants of the town of Brockton shall continue to be a body politic and corporate under the name of the City of Brockton, and as such shall have, exercise and enjoy all the rights, immunities, powers and privileges, and shall be subject to all the duties and obligations, now incumbent upon and pertaining to the said town as a municipal corporation.

City charter granted.

SECTION 2. The administration of all the fiscal, prudential and municipal affairs of the said city, with the government thereof, shall be vested in one officer, styled

Government vested in mayor and city council.

- the mayor, one council of seven to be called the board of aldermen, and one council of twenty-one to be called the common council, which boards, in their joint capacity, shall be denominated the city council; and the members thereof shall be sworn to the faithful performance of their respective duties. A majority of each board shall constitute a quorum for the transaction of business, and no member of either board shall receive any compensation for his services.
- Quorum.**
- Annual election.** **SECTION 3.** The election of city and ward officers shall take place on the Tuesday next after the first Monday of December of each year; and the municipal year shall begin on the first Monday of January following.
- Municipal year.**
- Division of town into wards.** **SECTION 4.** It shall be the duty of the selectmen of said town, as soon as may be after the passage of this act and its acceptance as herein provided, to divide said town into seven wards, so that they shall contain, as nearly as may be consistent with well defined limits to each ward, an equal number of voters in each ward, which division may be revised by the city council within four years from the passage hereof. The city council may, in the year eighteen hundred and eighty-five and in every fifth year thereafter, make a new division of said wards, so that they shall contain, as nearly as may be consistent with well defined limits to each ward, an equal number of voters in each ward, according to the census to be taken in the months of May or June in said years.
- New division of wards.**
- Election of ward officers.** **SECTION 5.** On the Tuesday next after the first Monday of December, annually, there shall be elected by ballot, in each of said wards, a warden, clerk and three inspectors of elections, who shall be different persons, residents in the ward, who shall hold their offices one year, and until others are chosen and qualified in their stead. Said wardens shall preside at all ward meetings with the power of moderators in town meetings, and if at any meeting the warden is not present the clerk shall preside until a warden *pro tempore* is elected by ballot; if both the warden and clerk are absent, the senior in age of the inspectors present shall preside until a warden *pro tempore* is elected; and if all said officers are absent any legal voter in said ward may preside until a warden *pro tempore* is elected. When any ward officer is absent, or neglects to perform his duty, his office shall be filled *pro tempore*. The clerk shall record all the proceedings and certify the

votes, and deliver to his successor in office all such records and journals, together with all other documents and papers held by him in his said capacity. The inspectors shall assist the warden in receiving, assorting and counting the votes. All said officers shall be sworn to a faithful discharge of their duties; said oath to be administered by the clerk to the warden, and by the warden to the clerk, and to the inspectors, or to either of said officers by any justice of the peace; a certificate of such oath shall be made by the clerk upon the ward records. All warrants for meetings of the citizens for municipal purposes shall be issued by the mayor and aldermen, and shall be in such form, and served and returned in such manner and at such times, as the city council shall direct. The compensation of the ward officers shall be fixed by concurrent vote of the city council.

Ward officers to be sworn.

Compensation.

SECTION 6. The mayor and aldermen are authorized, when no convenient ward room for holding ward meetings of the citizens of either of the wards of the city can be had within the territorial limits of such ward, to appoint and direct, in the warrants for calling the ward meetings of such wards, the said meetings to be held in some convenient and proximate place within the limits of any other of the wards of said city; and for such purposes the place so assigned for the meeting of such ward shall be deemed and taken to be included in and part of said ward, as though the same was within the territorial limits thereof.

Ward meetings may be held without the territorial limits of ward.

SECTION 7. The mayor shall be elected by and from the qualified voters of the city at large, voting in their respective wards, and shall hold his office for the municipal year next following his election, and until another shall be elected and qualified in his place.

Mayor elected at large.

SECTION 8. One alderman and three common councilmen shall be elected by and from the voters of each ward, and shall at the time of their election be residents of the wards respectively in which they are elected; they shall hold their offices for the municipal year next following their election, and until a majority of the new board shall be elected and qualified in their places.

One alderman and three common councilmen to be elected in each ward.

SECTION 9. On the Tuesday next after the first Monday of December, annually, the qualified voters in the several wards shall give in their votes by ballot for mayor, aldermen and common councilmen, in accordance with the provisions of this act, and all the votes so given shall be

Annual election on the first Monday of December.

Common councilmen to be notified of election.

Vacancy in office of mayor.

Aldermen to be notified of election.

Qualification of city council.

assorted, counted, declared and recorded in open ward meeting, by causing the names of persons voted for, and the number given for each, to be written in the ward record at length. The clerk of the ward, within twenty-four hours thereafter, shall deliver to the persons elected members of the common council certificates of their election, respectively, signed by the warden and clerk and a majority of the inspectors of elections, and shall deliver to the city clerk a copy of the record of such elections, certified in like manner: *provided, however,* that if the choice of members of the common council shall not be effected on that day in any ward, the meeting in such a ward may be adjourned from time to time to complete such election. The board of aldermen shall within ten days thereafter examine the copies of the records of the several wards certified as aforesaid, and shall cause the person who shall have been elected mayor to be notified in writing of his election; but if it shall appear that there is no choice, or if the person elected shall refuse to accept the office, the board shall issue warrants for a new election, and the same proceedings shall be had in all respects as are herein before provided for the election of mayor, and from time to time shall be repeated until a mayor shall be elected and shall accept said office. In case of the decease, resignation or absence of the mayor, or of his inability to perform the duties of his office, it shall be the duty of the board of aldermen and common council, respectively, by vote, to declare that a vacancy exists, and the cause thereof; and thereupon the two boards shall meet in convention and elect a mayor to fill such vacancy; and the mayor thus elected shall hold his office until the inability causing such vacancy shall be removed, or until a new election. Each alderman shall be notified in writing of his election by the mayor and aldermen for the time being. The oath prescribed by this act shall be administered to the mayor by the city clerk, or by any justice of the peace. The aldermen and common councilmen elect shall on the first Monday of January, at ten o'clock in the forenoon, meet in convention, when the oath required by this act shall be administered to the members of the two boards present, by the mayor, or by any justice of the peace, and the certificate of such oath having been taken shall be entered on the journal of the mayor and aldermen and of the common council by their respective clerks. And whenever it shall

appear that a mayor has not been elected previous to the first Monday of January aforesaid, the mayor and aldermen for the time being shall make a record of that fact, an attested copy of which the city clerk shall read at the opening of the convention to be held as aforesaid. After the oath has been administered as aforesaid, the two boards shall separate, and the common council shall be organized by the choice of a president and clerk, to hold their offices respectively during the pleasure of the common council, the clerk to be under oath faithfully to perform the duties of his said office, and his compensation shall be fixed by concurrent vote of the city council. In case of the absence of the mayor elect on the first Monday of January, or if the mayor shall not then have been elected, the city council shall organize itself in the manner herein before provided, and may proceed to business in the same manner as if the mayor was present; and the oath of office may, at any time thereafter, in convention of the two boards, be administered to the mayor and any member of the city council who may have been absent at the organization. The board of aldermen may choose a president who shall preside at all meetings of the board and in joint convention of the city council in the absence of the mayor. Each board shall keep a record of its proceedings and judge of the election of its own members; and in case of failure of election, or in case of vacancy declared by either board, the mayor and aldermen shall issue their warrant for a new election.

Organization of
government.

Board of alder-
men may choose
a president.

SECTION 10. The mayor shall be the chief executive officer of the city. He shall enforce the laws and regulations of the city, and have a general supervision of all the subordinate officers. And he may, whenever in his opinion the public good may require, remove, with the consent of the appointing power, except as provided in section twelve, any officer over whose appointment he has, in accordance with the provisions of this charter, exercised the power of nomination. He may call special meetings of the boards of aldermen and common council, or either of them, when in his opinion the interests of the city require it, by causing notice to be left at the usual place of residence of each member of the board or boards to be convened. He shall, from time to time, communicate to both boards such information and recommend such measures as the business and interests of the city may in his

Mayor to be
chief executive
officer of city.

Salary. opinion require. He shall preside in the board of aldermen, and in convention of the two boards. His salary for the first five years, under this charter, shall be fixed by the city council, but shall not exceed the sum of five hundred dollars per annum. Afterwards it shall be fixed by the concurrent vote of the city council. It shall be payable at stated periods, but shall not at any time be increased or diminished during the year for which he is chosen. He shall receive no other compensation.

Veto power of mayor. SECTION 11. Every ordinance, order, resolution or vote to which the concurrence of the board of aldermen and of the common council may be necessary, except on a question of a convention of the two branches or the election of an officer, and every order of either branch of the city council involving the expenditure of money, shall be presented to the mayor. If he approves thereof he shall signify his approval by signing the same; but if he does not approve thereof, he shall return the ordinance, order, resolution or vote, with his objections in writing, to the branch of the city council in which it originated. Such branch shall enter the objections of the mayor at large on its records, and proceed to reconsider said ordinance, order, resolution or vote; and if, after such reconsideration, two-thirds of that branch, present and voting, notwithstanding such objections, agree to pass such ordinance, order, resolution or vote, it shall, together with the objections of the mayor, be sent to the other branch of the city council, if it originally required concurrent action, where it shall also be reconsidered; and if approved by two-thirds of the members present and voting, it shall be in force; but in all cases the vote shall be determined by yeas and nays; and if such ordinance, order, resolution or vote is not returned by the mayor within ten days after it has been presented to him, the same shall be in force.

Powers heretofore exercised by selectmen to be vested in mayor and aldermen.

Appointment and removal of police officers and constables.

SECTION 12. The executive power of said city generally and the administration, with all the powers heretofore vested in the selectmen of Brockton, shall be vested in and may be exercised by the mayor and aldermen as fully as if the same were herein specially enumerated. The mayor and aldermen shall have full and exclusive power to appoint a constable or constables, and a city marshal and assistants, with the powers and duties of constables, and all other police officers, any of whom the mayor may remove, and fill the vacancy or vacancies so made, by

appointment; but at the next meeting of the board of aldermen, he shall nominate as provided in this act. And the mayor and aldermen may require any person, who may be appointed marshal or constable of the city, to give bonds for the faithful discharge of the duties of the office, with such security and to such amount as they may deem reasonable and proper, upon which bonds the like proceedings and remedies may be had as are by law provided in case of constables' bonds, taken by the selectmen of towns. The compensation of the police and other subordinate officers shall be fixed by concurrent vote of the city council.

Marshal and constables may be required to give bonds.

Compensation of police, etc., to be fixed by concurrent vote.

SECTION 13. In all cases in which appointments are directed to be made by the mayor or aldermen, the mayor shall have the exclusive power of nomination, being subject however to confirmation or rejection by the board of aldermen; but if a person so nominated shall be rejected, the mayor shall make another nomination within one month from the time of such rejection. No person shall be eligible by appointment or election to any office of emolument the salary of which is payable out of the city treasury, who, at the time of such appointment or election, shall be a member of the board of aldermen or of the common council. All sittings of the mayor and aldermen, of the common council and of the city council, shall be public when they are not engaged in executive business.

Appointments by mayor and aldermen.

Sittings to be public.

SECTION 14. The city council shall annually, as soon after their organization as may be convenient, elect by joint ballot, in convention, a city clerk, treasurer, collector of taxes, one or more superintendents of streets, city solicitor, city physician, and city auditor, who shall hold their offices respectively for the term of one year, and until their successors shall be chosen and qualified: *provided, however*, that either of the officers named in this section may be removed at any time by the city council for sufficient cause. Vacancies occurring in the above named offices may be filled by joint ballot of the city council at any time. The compensation of the officers mentioned in this section shall be fixed by concurrent vote of the city council.

Election of city clerk, treasurer, etc., by joint ballot in convention.

Compensation.

SECTION 15. The city clerk shall be sworn to the faithful discharge of the duties of his office. He shall have charge of all journals, records, papers and documents of the city, sign all warrants issued by the mayor and aldermen, and do such other acts in his said capacity as the city council may lawfully and reasonably require of him;

City clerk to have charge of records of city.

- and shall deliver all journals, records, papers and documents, and other things entrusted to him as city clerk, to his successor in office. He shall also perform all the duties and exercise all the powers by law incumbent upon or vested in clerks of towns of this Commonwealth. He shall be clerk of the board of aldermen; shall attend said board when the same is in session, and keep a journal of its acts, votes and proceedings; also of the city council when in convention. He shall engross all the ordinances passed by the city council in a book provided for that purpose, and shall add proper indexes, which book shall be deemed a public record of such ordinances; and he shall perform such other duties as shall be prescribed by the board of aldermen. In case of the temporary absence of the city clerk, the mayor, by and with the advice and consent of the board of aldermen, may appoint a clerk *pro tempore*, who shall be duly qualified.
- To be clerk of board of aldermen.**
- Clerk *pro tempore*.**
- Overseers of the poor.** SECTION 16. The board of overseers of the poor in the city of Brockton shall consist of three members, residents of the city, and of the mayor and city marshal who shall be *ex officio* members of the board. The mayor shall be *ex officio* chairman of the board. The city council shall elect by joint ballot, in convention, as soon after their organization as may be convenient, three persons to be members of the board of overseers of the poor, one for one year, one for two years and one for three years; and thereafter the city council shall annually, as soon after their organization as may be convenient, elect in the same manner one person to hold office for the term of three years. But no more than one of the three members so to be elected shall be eligible from any one ward of said city. Vacancies occurring in the board may be filled by joint ballot of the city council at any time, the members so elected to hold office only for the unexpired term of the member who has ceased to hold office. The city council may at any time remove members of said board from office for cause. The board shall be organized annually on the third Monday in January. The compensation of the overseers of the poor shall be fixed by concurrent vote of the city council.
- Vacancies to be filled by joint ballot of city council.**
- Compensation.**
- Assessors of taxes.** SECTION 17. The city council elected in December, in the year eighteen hundred and eighty-one, shall, as soon after their organization as may be convenient, elect by joint ballot in convention three persons to be assessors of taxes, one for three years, one for two years and one for

one year; and thereafter the city council shall annually, as soon after their organization as may be convenient, elect in the same manner one person who shall hold his office for the term of three years next ensuing, and until another shall be elected and qualified in his stead. The persons so elected shall constitute the board of assessors, and shall exercise the powers and be subject to the liabilities and duties of assessors in towns. Vacancies occurring in the board may be filled by joint ballot of the city council at any time, the member so elected to hold office only for the unexpired term of the member who has ceased to hold office. All taxes shall be assessed, apportioned and collected in the manner prescribed by the general laws of the Commonwealth: *provided, however*, that the city council may establish further or additional provisions for the collection thereof. The compensation of the assessors shall be fixed by concurrent vote of the city council.

Vacancies to be filled by joint ballot of city council.

Compensation.

SECTION 18. The qualified voters of each ward, at their respective annual ward meetings for the choice of officers, shall elect by ballot one person in each ward, who shall be a resident of said ward, to be an assistant assessor; and it shall be the duty of the persons so chosen to furnish the assessors with all necessary information relative to persons and property taxable in their respective wards; and they shall be sworn to the faithful performance of their duty. Their compensation shall be fixed by concurrent vote of the city council.

Assistant assessors.

Compensation.

SECTION 19. The city council elected in December in the year one thousand eight hundred and eighty-one, shall, as soon after their organization as may be convenient, elect by joint ballot in convention three persons to act as water commissioners, one for three years, one for two years and one for one year; and thereafter the city council shall annually, as soon after their organization as may be convenient, elect in the same manner one person who shall hold his office for the term of three years next ensuing, and until another shall be elected and qualified in his stead. Vacancies occurring in the commission may be filled by joint ballot of the city council at any time. The city council may at any time remove any member of said commission from office for cause. The compensation of the water commissioners shall be fixed by concurrent vote of the city council.

Water commissioners.

Vacancies.

Compensation.

SECTION 20. The city council may establish a fire de-

Fire department.

partment for said city, to consist of a chief engineer, and of as many assistant engineers, enginemen, hosemen, hook-and-ladder men and assistants, as the city council by ordinance shall from time to time prescribe; and said council shall have authority to fix the time of their appointment and the term of their service, to define their office and duties, and in general to make such regulations concerning the pay, conduct and government of such department, the management of fires, and the conduct of persons attending fires, as they may deem expedient, and may fix such penalties for any violation of such regulations, or any of them, as are provided for the breach of the ordinances of said city. The appointment of all the officers and members of such department shall be vested in the mayor and aldermen exclusively, who shall also have authority to remove from office any officer or member, for cause, in their discretion. The engineers so appointed shall be the firewards of the city, but the mayor and aldermen may appoint additional firewards. The compensation of the department shall be fixed by concurrent vote of the city council.

To be appointed by mayor and aldermen.

Engineers to be firewards.

Subordinate officers.

School committee.

Mayor to be chairman of board.

SECTION 21. The city council shall, in such manner as they shall determine, elect or appoint all other subordinate officers, for whose election or appointment other provisions are not herein made, define their duties and fix their compensation.

SECTION 22. The qualified voters of the city, voting in their respective wards, shall on the Tuesday next after the first Monday of December, in the year one thousand eight hundred and eighty-one, elect by ballot, nine persons to be members of the school committee, three to be chosen for three years, three for two years and three for one year from the first Monday in January, in the year one thousand eight hundred and eighty-two; and thereafter three persons shall be chosen, at each annual meeting, for the term of three years from the first Monday of January next ensuing; and the persons so chosen shall, with the mayor, constitute the school committee, and have the care and superintendence of the public schools. The mayor shall be *ex officio* chairman of the board, and all the rights and obligations of the town of Brockton in relation to the grant and appropriation of money to the support of the schools, and the special powers and authority heretofore conferred by law upon the inhabitants of said town, to raise money for the support of schools therein, shall be

merged in the powers and obligations of the city, to be exercised in the same manner as over other subjects of taxation; and all grants and appropriations of money for the support of schools, and the erection and repair of school-houses in said city, shall be made by the city council in the same manner as grants and appropriations are made for other city purposes. Vacancies occurring in the board may be filled by the joint ballot of the city council and school committee, in convention, the members so chosen to hold office only for the remainder of the municipal year.

Vacancies.

SECTION 23. Should there fail to be a choice of members of the school committee or assistant assessors on the day of the annual ward meeting, the meeting shall be adjourned from time to time until the election shall be completed.

In case of no choice of school committee or assistant assessors, meeting to be adjourned.

SECTION 24. All city and ward officers shall be held to discharge the duties of the offices to which they have been respectively elected, notwithstanding their removal after their election out of their respective wards into any other wards of the city; but a permanent residence out of the city shall cause a vacancy to exist in the offices to which they were elected.

Officers to discharge duties notwithstanding removal from ward.

SECTION 25. The city council shall take care that no money shall be paid from the treasury unless granted or appropriated, and shall secure a just and proper accountability by requiring bonds with sufficient penalties, and sureties from all persons entrusted with the receipt, custody or disbursement of money. They shall have the care and superintendence of the city buildings, and the custody and management of all city property, with power to let or to sell what may legally be let or sold, and to purchase property, real or personal, in the name and for the use of the city, whenever its interests or convenience may, in their judgment, require it. And they shall, as often as once a year, cause to be published for the use of the inhabitants a particular account of the receipts and expenditures, and a schedule of city property and of the city debts.

City council to see that no money is paid from the treasury unless appropriated.

To have care of public buildings and management of city property.

SECTION 26. The city council shall have the same powers in relation to the laying out, acceptance, altering or discontinuing of streets and ways, and the assessment of damages, which selectmen and inhabitants of towns now have by law, all petitions and questions relating to the same, however, being first acted on by the mayor and

Powers relating to laying out streets.

New streets to be not less than forty feet wide.

May make ordinances regulating sale of lumber, coal, etc.

May make by-laws and annex penalties there-to.

Proviso.

Meetings for elections in the several wards.

Lists of voters to be furnished to ward clerks.

aldermen. Any person aggrieved by any proceedings of the mayor and aldermen, or of the city council under this provision, shall have all the rights and privileges now allowed in appeals from the decisions of selectmen or the inhabitants of towns. No street or way shall hereafter be opened in the city of Brockton over any private land by the owners thereof, and dedicated to or permitted to be used by the public, of a less width than forty feet, except with the consent of said mayor and aldermen in writing, first had and obtained for that purpose.

SECTION 27. The city council may make ordinances with suitable penalties, for the inspection and survey, measurement and sale of lumber, wood, hay, coal and bark, brought into or exposed in the city for sale, and shall have the same powers as the town had in reference to the suspension of the laws for the protection and preservation of useful birds, and of all other laws, the operation or suspension of which is subject to the action of the towns thereon. The city council may also make all such salutary and needful by-laws as towns by the laws of this Commonwealth have power to make and establish, and to annex penalties not exceeding twenty dollars, for the breach thereof, which by-laws shall take effect and be in force from and after the time therein respectively limited: *provided, however*, that all laws and regulations in force in the town of Brockton shall, until they expire by their own limitation, or are revised or repealed by the city council, remain in force; and all fines and forfeitures for the breach of any by-law or ordinance shall be paid into the city treasury.

SECTION 28. All elections of national, state, county and district officers, who are voted for by the people, shall be held at meetings of the citizens qualified to vote at such elections, in their respective wards, at the time fixed by law for these elections respectively.

SECTION 29. Fifteen days prior to every election, the mayor and aldermen shall make out lists of all the citizens of each ward qualified to vote in such elections, in the manner in which selectmen of towns are required to make out lists of voters; and for that purpose they shall have full access to the assessors' books and lists, and are empowered to call for the assistance of the assessors, assistant assessors and other city officers; and they shall deliver the lists so prepared and corrected to the clerks of the

several wards, to be used at such elections; and no person shall be entitled to vote whose name is not borne on such list. A list of the voters in each ward shall be posted in one or more public places in each ward.

Lists to be
posted in public
places.
Board of health.

SECTION 30. All power and authority now vested by law in the board of health of the town of Brockton, or the selectmen thereof, shall be transferred to and vested in a board of health to be appointed by the mayor and aldermen, as provided in chapter one hundred and thirty-three of the acts of the year eighteen hundred and seventy-seven, who shall have and exercise all the powers and duties therein granted.

SECTION 31. The power and authority vested in said town of Brockton by chapter one hundred and twenty-four of the acts of the year eighteen hundred and seventy-eight, entitled "An Act to supply the town of Brockton with pure water," and by the vote of said town accepted, in accordance with the provisions of said act, shall continue in force. The powers thereby conferred shall be exercised by the city council.

Water supply.

SECTION 32. General meetings of the citizens qualified to vote may from time to time be held to consult upon the public good, to instruct their representatives, and to take all lawful means to obtain redress for any grievances, according to the right secured to the people by the constitution of this Commonwealth, and such meetings may and shall be duly warned by the mayor and aldermen, upon the request in writing, setting forth the purposes thereof, of fifty qualified voters.

General meet-
ings of citizens.

SECTION 33. All acts and parts of acts inconsistent with this act are hereby repealed: *provided, however*, that the repeal of the said acts shall not affect any act done, nor any right accruing or accrued or established, nor any suit or proceeding had or commenced in any civil case, before the time when such repeal shall take effect; and that no offence committed, and no penalty or forfeiture incurred, under any act hereby repealed, and before the time when such repeal shall take effect, shall be affected by the repeal; and that no suit or prosecution pending at the time of the said repeal for any offence committed, or for the recovery of any penalty or forfeiture incurred under said acts, shall be affected by such repeal; and *provided, also*, that all persons who, at the time of said repeal taking effect, shall hold any office under the said acts shall

Repeal.

Proviso.

continue to hold the same until the organization of the city government contemplated by this charter shall be effected completely.

First meeting
for the election
of city officers.

SECTION 34. For the purpose of organizing the system of government hereby established, and putting the same in operation in the first instance, the selectmen of the town of Brockton, for the time being, shall issue their warrants seven days at least previous to the first Monday of December of the present year, calling meetings of the citizens of each ward on that day, at such place and hour as they may deem expedient, for the purpose of choosing a warden, clerk and inspectors of each ward, and all other officers whose election is provided for in the preceding sections of this act; and the transcript of the records in each ward, specifying the votes given for the several officers aforesaid, certified by the warden and clerk of the ward at said first meeting, shall be returned to said selectmen whose duty it shall be to examine and compare the same; and in case such elections should not be completed at the first meeting, then to issue new warrants until such elections shall be completed, and to give notice thereof in manner before provided to the several persons elected; and at said first meeting a list of voters in each ward, prepared and corrected by the selectmen for the time being, shall be delivered to the clerk of each ward when elected, to be used as hereinbefore provided. After the choice of the city officers as aforesaid, or a majority of both boards, the selectmen shall appoint a place for their first meeting, and shall, by written notice left at the place of residence of each member, notify them thereof. And after this first election of city officers, and this first meeting for the organization of the city council, according to the provisions of section nine of this act, as provided for in this section, the day of holding the annual elections and the day and hour for the meeting of the city council for the purpose of organization shall remain as provided in said ninth section of this act. It shall be the duty of the city council, immediately after the first organization, to carry into effect the several provisions of this act.

Meeting for
organization of
government.

Subject to ac-
ceptance within
one year, by a
majority vote.

SECTION 35. This act shall be void unless the inhabitants of the town of Brockton, at a legal meeting called for that purpose, to be held within one year from the passage of this act, shall, by a vote of a majority of the voters present and voting thereon as hereinafter provided, deter-

mine to adopt the same. At said meeting the votes shall be taken by written or printed ballots, and the polls shall be kept open not less than six hours. The selectmen shall preside in said meeting, and in receiving said ballots shall use the check lists in the same manner as they are used in the election of state officers.

SECTION 36. This act shall take effect upon its passage.

Approved April 9, 1881.

[Accepted May 23, 1881.]

AN ACT to authorize the Construction of the Charles River Promenade.

Chap. 197

Be it enacted, etc., as follows:

SECTION 1. The city of Boston is authorized to lay out and construct continuously or in sections, from time to time, and to maintain for public use, a plank way or sidewalk of a width not exceeding fifteen feet, over the waters of Charles River outside and adjoining the sea wall now constructed between Berkeley Street extended, and a point near Hereford Street extended, and outside and adjoining any sea wall that may be constructed to the new park in extension of said sea wall already built: *provided, however,* that with the assent of the harbor and land commissioners such plank way or sidewalk may be laid out, constructed and maintained as aforesaid to a width not exceeding twenty feet.

City may construct plank way over waters of Charles River.

Proviso.

SECTION 2. The city of Boston is authorized to make all such reasonable rules and regulations in regard to such sidewalk or promenade and the access to the water therefrom and from the water thereto, as may be expedient and proper; to appoint all necessary officers and agents to enforce such rules and regulations, and to construct and maintain for the public use in connection with such sidewalk or promenade suitable landing places.

May make rules concerning use of walk.

SECTION 3. Any real estate in the city of Boston, which in the opinion of the board of street commissioners of said city shall receive any benefit and advantage from the laying out of such sidewalk or promenade or any sections of the same under the provisions of this act beyond the general advantages to all real estate in the city of Boston, may, after like notice to all parties interested as is provided by law to be given by said board in cases of laying out streets in said city, be assessed by said board for a proportional share of the expense of such laying out: *pro-*

Landing places. Assessments for betterments.

Proviso. *vided*, that the entire amount so assessed upon any estate shall not exceed one-half of the amount which said board shall adjudge to be the whole benefit received by it. All general laws in relation to the assessment of damages and betterments in the case of the laying out of a street, highway or other way in the city of Boston shall be applicable to the laying out of the way herein authorized.

Subject to 1860, 432, and general laws applicable. SECTION 4. In the exercise of the powers granted by this act the city of Boston shall be subject to the provisions of the four hundred and thirty-second chapter of the acts of the year eighteen hundred and sixty-nine and all general laws applicable thereto.

Extension or erection contiguous to water line not to be permitted. SECTION 5. When the plank way or sidewalk herein authorized shall have been laid out by said city and constructed as herein provided, the Commonwealth will not authorize any person or corporation to construct any extension or erection from or contiguous to the water line of said way or walk.

SECTION 6. This act shall take effect on its acceptance by the city council of the city of Boston.

Approved April 11, 1881.

Chap. 198

AN ACT to incorporate the Massachusetts Dairy Company.

Be it enacted, etc., as follows:

Corporators. SECTION 1. William A. Warner, Elbridge Cushman, George M. Baker, Edward P. Smith, S. R. Damon and John T. Ellsworth, their associates and successors, are hereby incorporated as "The Massachusetts Dairy Company," for the purpose of buying milk, and selling, peddling and distributing the same in Boston or elsewhere, or for the purpose of manufacturing butter and cheese, or any other product from milk, and selling the same; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force relating to corporations, except as herein otherwise expressly provided.

Capital stock and shares. SECTION 2. The capital stock of said company shall be two hundred thousand dollars, divided into shares of a par value of ten dollars each, and all of said capital shall be subscribed, and not less than twenty-five thousand dollars of the same paid in, in cash, before said company shall begin business; but no subscriber shall in any way be

holden for more than the full amount of the capital stock for which he may have subscribed.

SECTION 3. No share of stock of said company shall be sold by the owner without first offering it to the stockholders, through the treasurer, who shall notify the stockholders that stock in the company is for sale, and if not purchased by any stockholder at the market value within fifteen days after it shall have been offered, then the same may be sold by the owner in open market or otherwise.

Stockholders to have preference in purchase of shares.

SECTION 4. The chairman of the state board of health, lunacy and charity, and the chairman of the board of health of the city of Boston, shall be *ex officio* members of the board of directors of said company, and each entitled to a vote in its management.

Directors, *ex officio*.

SECTION 5. This company shall be subject to all laws and regulations, both state and municipal, relating to the sale of milk or milk products, or venders of the same.

Subject to state and municipal laws.

SECTION 6. This act shall take effect upon its passage.

Approved April 11, 1881.

[1876, 24.]

AN ACT to revise and consolidate the Charter of the City of Chelsea.

Chap. 200

Be it enacted, etc., as follows:

SECTION 1. The inhabitants of the city of Chelsea, for all the purposes for which towns and cities are by law incorporated in this Commonwealth, shall continue to be a body politic and corporate, in fact and in name, under the style and denomination of "The City of Chelsea," and as such shall have, exercise and enjoy all the rights, immunities, powers and privileges, and shall be subject to all the duties and obligations now incumbent upon and appertaining to said city as a municipal corporation.

Charter revised.

SECTION 2. The administration of all the fiscal, prudential and municipal affairs of the said city, with the government thereof, shall be vested in one municipal officer, to be called the mayor; one council of eight, to be called the board of aldermen; one council of twenty, to be called the common council; which bodies in their joint capacity shall be called the city council; and the members thereof shall be sworn to the faithful performance of the duties of their respective offices. A majority of each board shall constitute a quorum for doing business.

Government vested in mayor and city council.

SECTION 3. The city council may, in the year eighteen

New division of wards.

hundred and eighty-five, and not oftener than once in five years thereafter, revise and if needful make a new division of the city into such number of wards, not less than four, as said council shall deem the interests of the city may require; and the said wards shall be so constituted as to contain, as nearly as may be consistent with well defined limits to each ward, an equal number of qualified voters in each ward, according to a census of voters which shall be taken in the month of May in said years; and until such revision be made the boundary lines of the wards of the said city shall remain as now established: *provided*, that in case the number of said wards shall be increased, each ward shall be entitled to five common councilmen.

Proviso.

Election to be held on Tuesday after first Monday of December.

SECTION 4. The election of municipal officers shall take place on the Tuesday next after the first Monday of December, annually; and the municipal year shall begin on the first Monday of January following. All meetings of the citizens for municipal purposes shall be called by warrants issued by the mayor and aldermen, which shall be in such form, and be served, executed and returned in such manner and at such times as the city council may by ordinance direct.

Election of ward officers.

SECTION 5. On the Tuesday next after the first Monday in December, annually, there shall be elected by ballot, in each of said wards, a warden, clerk and three inspectors of elections, who shall be different persons, residents in the ward, who shall hold their offices one year, and until others shall be elected and qualified in their stead. Said wardens shall preside at all ward meetings, with the powers of moderators at town meetings; and if at any meeting the warden is not present, the clerk of the ward shall call the meeting to order and preside until a warden *pro tempore* is elected by ballot; if both the warden and clerk are absent, the senior in age of the inspectors present shall call the meeting to order and preside until a warden and clerk *pro tempore* are so elected; and if all said officers are absent, any legal voter in said ward may preside until a warden *pro tempore* is so elected. When any ward officer is absent or neglects to perform his duty his office shall be filled *pro tempore* in like manner. The clerk shall record all the proceedings and certify the votes, and deliver to his successor in office all the records, journals, documents and papers held by him in his said capacity. The clerk and inspectors shall assist the warden in receiving, assorting

and counting the votes. All of said officers shall be sworn to a faithful discharge of their duties, said oath to be administered by the clerk to the warden, and by the warden to the clerk and to the inspectors, or to either of said officers by any justice of the peace. Certificates of such oaths shall be made by the clerk upon the ward records. The compensation of the ward officers shall be fixed by concurrent vote of the city council.

Officers to be sworn.

SECTION 6. The mayor shall be elected by the qualified voters of the city at large, voting in their respective wards. He shall be an inhabitant and qualified voter of the city, and shall hold his office for the municipal year next following his election, and until another shall have been elected and qualified in his place.

Mayor elected by voters at large.

SECTION 7. Eight aldermen shall be elected by the qualified voters of the city at large, voting in their respective wards, who shall also be inhabitants and qualified voters of the city, and shall hold their offices for the municipal year next following their election, and until a majority of the new board shall be elected and qualified in their places.

Eight aldermen elected at large.

SECTION 8. Five common councilmen shall be elected by and from the voters of each ward, and shall, at the time of their election, be residents of the wards respectively in which they are elected; they shall hold their offices for the municipal year next following their election, and until a majority of the new board shall be elected and qualified in their places.

Five common councilmen elected in each ward.

SECTION 9. The school committee shall consist of thirteen persons, three persons elected from each ward, and the mayor who shall be *ex officio* a member of said board. The persons heretofore elected as members of the school committee may continue in office according to the tenure thereof. At each annual election for municipal officers hereafter, the qualified voters of each ward shall elect one person, being an inhabitant of said ward, to serve as a member of the school committee for the term of three municipal years from the first Monday of January next following such election. The school committee shall be the final judges of the qualifications and election of their own members. If the number of wards shall at any time be increased, the city council may by ordinance increase the school committee so that each additional ward shall be entitled to three members thereof. The school committee

School committee, three from each ward.

Vacancies.

Election of
municipal
officers.

To be notified
of election.

Proceedings in
case of no choice
for mayor.

shall have all the powers vested in school committees by the laws of the Commonwealth. A majority of the members of said board shall constitute a quorum for the transaction of business. Vacancies occurring in the board may be filled for the remainder of the municipal year by the joint ballot of the city council and school committee, and for the unexpired term thereafter shall be filled at the first municipal election after such vacancies occur.

SECTION 10. On the Tuesday next after the first Monday in December, annually, the qualified voters in each ward shall give in their votes for mayor, aldermen, common councilmen, school committee, and ward officers as herein before provided; and all the votes so given shall be assorted, counted, declared and registered in open ward meeting, by causing the names of persons voted for, and the number of votes given for each, to be written in the ward records in words at length. The clerk of the ward within forty-eight hours after election shall deliver to the persons elected common councilmen and school committee certificates of their election, signed by the warden and clerk and a majority of the inspectors of elections, and shall deliver to the city clerk a copy of the records of such elections, certified in like manner: *provided*, that in all cases the persons having the greatest number of votes for their respective offices shall be deemed and declared to be elected; and if the choice of common councilmen and school committee shall not be effected on that day, by reason of two or more persons having received an equal number of votes for the same office, the meeting may be adjourned from time to time to complete such election. The board of aldermen shall, as soon as conveniently may be, and in the manner provided by law, examine the copies of the records of the several wards, certified as aforesaid, and shall also, in the manner provided by law, cause the person that shall have received the greatest number of votes for mayor, and the persons that shall have received the greatest number of votes for aldermen, to be notified in writing of their election; but if it shall appear that no person has been elected mayor by reason of two or more having received an equal number of votes, or if the person so elected mayor shall refuse to accept the office, the board shall issue their warrants for a new election, and the same proceedings shall be had as are herein before provided for the choice of a mayor, and repeated from time to time until

a mayor shall be chosen; and so in the choice of aldermen, if it shall appear that a full board has not been elected by reason of two or more persons having received an equal number of votes, or if any person or persons so elected aldermen shall refuse to accept the office, the mayor and aldermen shall in like manner issue their warrants for a new election to fill vacancies thus occurring, and like proceedings shall be had until a full board shall be elected. In case of the decease or resignation of the mayor or of his inability to perform the duties of his office, the boards of aldermen and common council shall respectively by vote declare that a vacancy exists, and the cause thereof; whereupon the two boards shall meet in convention and elect a mayor to fill such vacancy; and the mayor thus elected shall hold his office until the inability causing the vacancy shall be removed, or until a new election, which may be ordered by the board of aldermen. The oath prescribed by this act shall be administered to the mayor by the city clerk, or any justice of the peace. The aldermen and councilmen elect, shall, on the first Monday in January, at ten o'clock in the forenoon, meet in convention, when the oath required by this act shall be administered to the members of the two boards present by the mayor, or in case of his absence by the city clerk; and a certificate of such oath having been taken shall be entered on a journal of the mayor and aldermen and of the common council by their respective clerks. After the oath has been administered as aforesaid the two boards shall separate, and the common council shall be organized by the choice of one of their own members as president, and also of a clerk not one of their own members, who shall be sworn to the faithful performance of their duties. In case of the absence of the mayor elect, on the first Monday in January, the city government shall organize itself in the manner herein before provided, and may proceed to business in the same manner as if the mayor was present; and the oath of office may be administered to the mayor at any time thereafter in a convention of the two branches. The board of aldermen shall elect one of their members to preside at all meetings of the board when the mayor does not preside, who shall be called the chairman of the board of aldermen, who shall hold office during the municipal year for which he is elected. In the absence of both the mayor and chairman of the board of aldermen, the aldermen shall elect

In case of decease or resignation of mayor.

Organization of common council.

President of the board of aldermen to preside in the absence of mayor.

one of their members as chairman for the time being. In the absence of the mayor the chairman of the board of aldermen shall preside at all conventions of the city council. Each board shall keep a record of its own proceedings, and judge of the election of its own members; and in case of the failure of an election, or in case of any vacancy, declared by either board, the mayor and aldermen shall order a new election.

Mayor to be
chief executive
officer of the
city.

SECTION 11. The mayor thus chosen and qualified shall be the chief executive officer of the said city; it shall be his duty to be vigilant in causing the laws and regulations of the city to be enforced, and to exercise a general supervision over the conduct of all subordinate officers, and to cause their neglect of duty to be punished; he may call special meetings of the boards of aldermen and common council, or either of them, when necessary in his opinion, by causing written notices to be left at the places of residence of the several members; he shall communicate from time to time to both of them such information, and recommend such measures, as in his opinion the interests of the city may require; he shall when present preside in the board of aldermen, and in convention of the two boards.

Compensation
of mayor.

SECTION 12. The executive power of the said city generally and the administration of the police, with all the powers formerly vested in the selectmen of Chelsea, and heretofore vested in the mayor and aldermen of the city of Chelsea, shall continue to be vested in, and exercised by, the mayor and aldermen of said city as fully as if the same were herein specially enumerated. The mayor shall receive such compensation for his services as the city council may from time to time by ordinance determine; but the amount of such compensation shall not be increased or diminished during the term for which he shall have been elected, and he shall receive no other compensation or emolument whatever. The members of the board of aldermen and common council shall receive no compensation. The mayor and aldermen shall have full and exclusive power to appoint constables, and a chief of police with all the powers and duties of a constable; and shall have full and exclusive power and authority to appoint all other police and all subordinate officers connected with the police department, whose election is not herein provided for, with all or any of the powers of constables except the power of serving and executing civil process; and the same to remove

Aldermen and
common coun-
cilmembers to receive
no compensa-
tion.

Constables and
police officers,
to be appointed
by mayor and
aldermen.

at pleasure, and all such officers shall continue in office until their successors are appointed or they are removed. And the mayor and aldermen shall require any person who may be appointed chief of police or constable of the city, to give bonds for the faithful discharge of the duties of the office, with such security and to such amount as they may deem reasonable and proper, and as provided by the laws of the Commonwealth; upon which bonds the like proceedings and remedies may be had as are by law provided in the case of constables' bonds taken by the selectmen of towns. All other powers now vested in the inhabitants of the said city, and all powers granted by this act, shall be vested in the mayor and aldermen and common council of the said city, to be exercised by concurrent vote, each board to have a negative upon the other; but the city council shall annually as soon after their organization as may be convenient, elect by concurrent vote of both branches of said council, a city treasurer, collector of taxes, assessors, and city clerk, who shall hold their offices until others are elected and qualified in their stead, and shall, in such manner as the city council may determine, by ordinance made for the purpose, appoint or elect all subordinate officers not herein otherwise directed, for the then ensuing year, define their duties, and fix their compensations in cases where such duties and compensations, shall not be defined and fixed by the laws of the Commonwealth. In case any vacancy shall occur in any office, the election to which is made by the city council, said council shall have power to fill the same. All sittings of the mayor and aldermen, of the city council, and of the common council, shall be public when they are not engaged in executive business. The city council shall take care that money shall not be paid from the treasury unless granted or appropriated; shall secure a just and prompt accountability, by requiring bonds, with sufficient penalty and sureties, from all persons intrusted with the receipt, custody, or disbursement of money; shall have the care and superintendence of city buildings, and the custody and management of all city property, with power to let or sell what may be legally let or sold; and to purchase property real or personal, in the name and for the use of the city, whenever its interest or convenience may in their judgment require it. The city council shall as often as once a year cause to be published for the use of the inhabitants a particular account of receipts and expenditures, and a

May be required
to give bonds.

Election of city
clerk, treasurer,
etc., by concu-
rent vote.

Sittings to be
public, except
when engaged
in executive
business.

Account of
receipts and
expenditures to

be published
annually.

schedule of all the property and debts of the city, together with such other information as said city council may deem advisable.

Nominations
made by the
mayor subject
to confirmation
by aldermen.

SECTION 13. In all cases in which appointments are directed to be made by the mayor and aldermen, the mayor shall have the exclusive power of nomination, being subject however to confirmation or rejection by the board of aldermen; but if a person so nominated shall be rejected, it shall be the duty of the mayor to make another nomination within one month from the time of such rejection. No person shall be eligible to any office of emolument, the salary of which is payable out of the city treasury, who, at the time of an election or appointment, shall be a member of the city council.

City clerk to be
sworn.

Duties.

SECTION 14. The city clerk before entering upon the duties of his office shall be sworn to the faithful performance of his duties. He shall be clerk of the board of aldermen, shall attend said board when the same is in session, and shall keep a journal of the acts and proceedings of said board, sign all warrants issued by them, and do such other acts in his capacity as may lawfully and reasonably be required of him; and shall deliver all journals, records, papers and documents, and other things intrusted to him as city clerk, to his successor in office, immediately upon such successor being chosen and qualified as aforesaid, or whenever he may be thereto required by the board of aldermen. He shall also be clerk of the city council when in convention. He shall perform all the duties and exercise all the powers by law incumbent upon or vested in clerks of towns in this Commonwealth, or by law belonging to the city clerk of the city of Chelsea, as fully as if the same were particularly enumerated; and he may be removed at the pleasure of the city council. In case of the temporary absence or sickness of the city clerk, or in case of his death, the mayor and aldermen may appoint a city clerk *pro tempore*, with all the powers, duties and obligations of the city clerk, until the city clerk shall resume his duties, or his successor is elected, and said officer shall be sworn in the manner provided in the case of the city clerk.

To be clerk of
city council
when in
convention.

City clerk,
pro tempore.

Assessors of
taxes.

SECTION 15. The assessors, to be chosen as herein before provided, shall constitute the board of assessors, and shall exercise the same powers, and be subject to the same duties and liabilities, that the assessors in the several towns

in the Commonwealth may exercise, or are subject to under existing laws, and shall be sworn to the faithful performance of their duty. All taxes shall be assessed, apportioned, and collected, in the manner prescribed by the laws of this Commonwealth: *provided, however*, that the city council may establish further or additional provisions for the collection thereof.

SECTION 16. The city council shall establish a fire department for the city of Chelsea, and shall by ordinance provide for the appointment or election of the force thereof, to consist of a chief engineer, a superintendent of fire alarm telegraph, and so many assistant engineers, and so many enginemen, hosemen, hook-and-ladder men, and such other officers and members however otherwise termed, as the city council shall from time to time prescribe, and the same to remove at pleasure, and all said officers and members shall continue in office until their successors are appointed, or they are removed; and the city council shall have authority to make such provisions in regard to the time of appointment of all such officers and members, to make such requisitions in respect to their qualifications and period of service, to define their office and duties, to fix and pay such compensation for their services, and in general to make such regulations in regard to their conduct of fires, and persons attending fires, subject to the penalties provided for the breach of the city ordinances, as they shall deem expedient. The engineers of the fire department shall have the powers and authority in regard to the prevention and extinguishment of fires, and the performance of other offices and duties incumbent upon firewards and engineers of fire departments by the statutes of the Commonwealth; and shall also have full power and authority to make an examination of places where any kind of combustible or inflammable materials are collected or deposited, whether the same be in any building, or upon any land or premises, within the limits of the city, and in case of the production or accumulation by any person or party whatsoever, of such combustible and inflammable materials, to take the necessary measures, when in their judgment safety from fire requires, to collect, remove, confine, destroy, or otherwise dispose of, any such materials, wherever the same shall have been stored or allowed to accumulate: *provided*, that reasonable notice in writing, not less than twenty-four hours, shall have been given by

Fire department
to be estab-
lished.

Power and
authority of
engineers.

Proviso.

the chief or any one of his assistants to the owner of the building or premises, or the person or party in possession thereof, where such material may be found, or who may be responsible for its production or accumulation, to remove the same forthwith; and all costs, charges and expenses resulting therefrom may be recovered of any person or party responsible for the production or accumulation of such materials, by an action of contract brought in the name of the city of Chelsea against such person or party in any court of competent jurisdiction.

Overseers of the poor.

SECTION 17. The persons heretofore elected by the city council as members of the board of overseers of the poor, may continue in office according to the terms thereof; and in the month of December annually hereafter the city council shall by concurrent vote elect one person a resident of said city to serve as a member of said board for three years. The term of office of all persons so elected as members of the board of overseers of the poor shall begin on the first Monday of January after their election. The city council may at any time for cause remove any member of said board, and shall fill any vacancy therein by election in the manner herein before provided, as soon as may be after the occurrence of such vacancy; and the person elected to fill a vacancy shall serve during the remainder of the term for which his predecessor was elected. On the first Monday of January in each year said board shall meet and organize by the choice of a chairman from their own number, and a clerk not of their own number, and such other subordinate officers not of their own number as they shall deem expedient, and shall define the duties, and fix the salaries to be paid out of the city treasury, of the clerk and other subordinate officers; but no member of said board shall receive any compensation.

Laying out, altering, etc., of streets.

SECTION 18. The city council shall have exclusive authority and power to lay out, alter or discontinue any street or town way, to establish the grade thereof, and to estimate the damages any individual or party may sustain thereby; but all questions relating to the subject of laying out, accepting, altering or discontinuing any street or way shall be first acted upon by the mayor and aldermen, and any person or party dissatisfied with the decision of the city council in the estimate of damages may make complaint to the superior court for the county of Suffolk in term time or vacation, within one year after such decision.

whereupon the same proceedings shall be had as are now by law provided in cases where persons or parties are aggrieved by the assessment of damages by the selectmen of towns, in the forty-third chapter of the General Statutes and acts in amendment thereof.

SECTION 19. The mayor and aldermen shall in each year issue their warrant for calling meetings for the election of the whole number of representatives to the general court to which the said city is by law entitled, and the number shall be specified in the warrant.

Warrants for election of representatives.

SECTION 20. All elections for county, state and United States officers, who are voted for by the people, shall be held at meetings of the citizens qualified to vote in such elections, in their respective wards, at the time fixed by law for these elections respectively; and at such meetings all the votes given for such officers respectively shall be assorted, counted, declared and registered, in open ward meeting, by causing the names of all persons voted for, and the number of votes given for each, to be written in the ward records in words at length. The ward clerk shall forthwith deliver to the city clerk a certified copy of the record of such elections; and all ballots and check lists shall be sealed and transmitted to the city clerk in the manner provided by the laws of the Commonwealth. The city clerk shall forthwith record such returns; and the mayor and aldermen shall within the time provided by law, after every such election, examine and compare all such returns, and make out a certificate of the result of such elections, to be signed by the mayor and a majority of the aldermen and also by the city clerk, which shall be transmitted, delivered and returned as by law required.

Election of county, state and national officers.

City clerk to record the returns.

SECTION 21. Prior to every election, the mayor and aldermen shall make out lists of all the citizens of each ward qualified to vote in such elections, in the manner provided by the laws of the Commonwealth, and for that purpose they shall have full access to the assessors' books and lists, and be entitled to the assistance of all assessors and city officers; and they shall deliver the said lists so prepared and corrected to the clerks of the said wards, to be used at such elections, and shall cause copies thereof to be posted in one or more public places in each ward, the length of time required by law prior to such elections; and no person shall be entitled to vote whose name is not borne on such list: *provided*, that any person whose name

Lists of voters to be furnished to clerks of the wards.

Copies to be posted in public places.

shall not be borne on the list of the ward in which he is entitled to vote, when it shall be placed in the hands of the clerk of said ward, shall have the right to have his name entered thereon at such time thereafter as is provided in like cases by the laws of the Commonwealth.

Prosecutions for
breach of ordi-
nances or by-
laws.

SECTION 22. All fines, forfeitures and penalties, accruing for breach of any of the ordinances or by-laws of the city of Chelsea, or of any of the orders of the mayor and aldermen, may be prosecuted for and recovered before the police court of the said city of Chelsea, by complaints or information, in the same manner in which other criminal offences are now prosecuted, before police and district courts within this Commonwealth; reserving however in all cases to the party complained of and prosecuted the right of appeal to the superior court then next to be held in the county of Suffolk. All fines, forfeitures and penalties, so recovered and paid, shall be paid to the treasurer of the city of Chelsea, and shall inure to such uses as said city council shall direct. When any person upon any conviction before the police court for any breach of any of the ordinances or by-laws of the city of Chelsea, or of any of the orders of the mayor and aldermen, shall be sentenced to pay a fine or any penalty or forfeiture provided by any such ordinance, by-law or order, and shall fail to pay the same, or upon claiming an appeal shall fail to recognize for his appearance at the court appealed to, there to prosecute his appeal, and to abide the sentence or order of the court thereon, and in the mean time to keep the peace and be of good behavior, he shall be committed until he shall pay such fine, penalty or forfeiture and costs, or be otherwise discharged according to law.

Act void unless
accepted within
three months.

SECTION 23. This act shall be void unless accepted by the city council of Chelsea within three months from its passage.

Approved April 13, 1881.

[Accepted April 19, 1881.]

Chap. 203 AN ACT to fix the Times and Places of holding Sessions of the Probate Court in the County of Plymouth.

Be it enacted, etc., as follows:

Probate courts
in Plymouth
county.

SECTION 1. Probate courts shall be holden for the county of Plymouth in each year as follows:— At Plymouth on the second Monday of each month, except February, July and August: at Abington on the fourth Mondays of February, March, September and December:

at Brockton on the second Mondays of February and July, and on the fourth Mondays of May and November: at Middleborough on the fourth Mondays of January, April, August and October: at Hingham on the fourth Monday of June.

SECTION 2. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed. Repeal.

SECTION 3. This act shall take effect on the first day of May next.

Approved April 15, 1881.

AN ACT to incorporate the Amesbury and Salisbury Agricultural and Horticultural Society. Chap. 204

Be it enacted, etc., as follows:

SECTION 1. William H. B. Currier, J. Henry Hill, Aaron Sawyer, A. H. Fielding and Elmer P. Sargent of the towns of Amesbury, Salisbury and Merrimac, their associates and successors, are hereby made a corporation under the name of the Amesbury and Salisbury Agricultural and Horticultural Society, and established in the towns of Amesbury and Salisbury in the county of Essex, for the encouragement of agriculture, horticulture, and the mechanical arts, by premiums and other means; with all the powers and privileges and benefits now accruing to county societies, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or hereafter may be in force in relation to such corporations. Said corporation may hold real and personal property to the amount of fifteen hundred dollars.

Corporators.

Name and purpose.

Powers and duties.

SECTION 2. This act shall take effect upon its passage.

Approved April 15, 1881.

AN ACT to authorize the City of Boston to attach Meters to Buildings which it supplies with Water. Chap. 205

Be it enacted, etc., as follows:

SECTION 1. The city of Boston is hereby authorized, at its own expense, to attach and maintain a sufficient water meter to the main service pipe in any building or buildings which may be supplied with water by said city under authority of law; and where any building situate within the city of Boston shall be supplied with water by said city through a meter, and there shall be more than one tenement contained in said building, or where different rooms in the same building are leased to or occupied by different persons taking water through separate fixtures,

May attach water meters to service pipes.

Vacancies. shall have all the powers vested in school committees by the laws of the Commonwealth. A majority of the members of said board shall constitute a quorum for the transaction of business. Vacancies occurring in the board may be filled for the remainder of the municipal year by the joint ballot of the city council and school committee, and for the unexpired term thereafter shall be filled at the first municipal election after such vacancies occur.

Election of municipal officers. SECTION 10. On the Tuesday next after the first Monday in December, annually, the qualified voters in each ward shall give in their votes for mayor, aldermen, common councilmen, school committee, and ward officers as herein before provided; and all the votes so given shall be assorted, counted, declared and registered in open ward meeting, by causing the names of persons voted for, and the number of votes given for each, to be written in the ward records in words at length. The clerk of the ward within forty-eight hours after election shall deliver to the persons elected common councilmen and school committee certificates of their election, signed by the warden and clerk and a majority of the inspectors of elections, and shall deliver to the city clerk a copy of the records of such elections, certified in like manner: *provided*, that in all cases the persons having the greatest number of votes for their respective offices shall be deemed and declared to be elected; and if the choice of common councilmen and school committee shall not be effected on that day, by reason of two or more persons having received an equal number of votes for the same office, the meeting may be adjourned from time to time to complete such election.

To be notified of election.

Proceedings in case of no choice for mayor.

The board of aldermen shall, as soon as conveniently may be, and in the manner provided by law, examine the copies of the records of the several wards, certified as aforesaid, and shall also, in the manner provided by law, cause the person that shall have received the greatest number of votes for mayor, and the persons that shall have received the greatest number of votes for aldermen, to be notified in writing of their election; but if it shall appear that no person has been elected mayor by reason of two or more having received an equal number of votes, or if the person so elected mayor shall refuse to accept the office, the board shall issue their warrants for a new election, and the same proceedings shall be had as are herein before provided for the choice of a mayor, and repeated from time to time until

a mayor shall be chosen; and so in the choice of aldermen, if it shall appear that a full board has not been elected by reason of two or more persons having received an equal number of votes, or if any person or persons so elected aldermen shall refuse to accept the office, the mayor and aldermen shall in like manner issue their warrants for a new election to fill vacancies thus occurring, and like proceedings shall be had until a full board shall be elected. In case of the decease or resignation of the mayor or of his inability to perform the duties of his office, the boards of aldermen and common council shall respectively by vote declare that a vacancy exists, and the cause thereof; whereupon the two boards shall meet in convention and elect a mayor to fill such vacancy; and the mayor thus elected shall hold his office until the inability causing the vacancy shall be removed, or until a new election, which may be ordered by the board of aldermen. The oath prescribed by this act shall be administered to the mayor by the city clerk, or any justice of the peace. The aldermen and councilmen elect, shall, on the first Monday in January, at ten o'clock in the forenoon, meet in convention, when the oath required by this act shall be administered to the members of the two boards present by the mayor, or in case of his absence by the city clerk; and a certificate of such oath having been taken shall be entered on a journal of the mayor and aldermen and of the common council by their respective clerks. After the oath has been administered as aforesaid the two boards shall separate, and the common council shall be organized by the choice of one of their own members as president, and also of a clerk not one of their own members, who shall be sworn to the faithful performance of their duties. In case of the absence of the mayor elect, on the first Monday in January, the city government shall organize itself in the manner herein before provided, and may proceed to business in the same manner as if the mayor was present; and the oath of office may be administered to the mayor at any time thereafter in a convention of the two branches. The board of aldermen shall elect one of their members to preside at all meetings of the board when the mayor does not preside, who shall be called the chairman of the board of aldermen, who shall hold office during the municipal year for which he is elected. In the absence of both the mayor and chairman of the board of aldermen, the aldermen shall elect

In case of de-
cease or resigna-
tion of mayor.

Organization of
common coun-
cil.

President of the
board of alder-
men to preside
in the absence
of mayor.

one of their members as chairman for the time being. In the absence of the mayor the chairman of the board of aldermen shall preside at all conventions of the city council. Each board shall keep a record of its own proceedings, and judge of the election of its own members; and in case of the failure of an election, or in case of any vacancy, declared by either board, the mayor and aldermen shall order a new election.

Mayor to be
chief executive
officer of the
city.

SECTION 11. The mayor thus chosen and qualified shall be the chief executive officer of the said city; it shall be his duty to be vigilant in causing the laws and regulations of the city to be enforced, and to exercise a general supervision over the conduct of all subordinate officers, and to cause their neglect of duty to be punished; he may call special meetings of the boards of aldermen and common council, or either of them, when necessary in his opinion, by causing written notices to be left at the places of residence of the several members; he shall communicate from time to time to both of them such information, and recommend such measures, as in his opinion the interests of the city may require; he shall when present preside in the board of aldermen, and in convention of the two boards.

Compensation
of mayor.

SECTION 12. The executive power of the said city generally and the administration of the police, with all the powers formerly vested in the selectmen of Chelsea, and heretofore vested in the mayor and aldermen of the city of Chelsea, shall continue to be vested in, and exercised by, the mayor and aldermen of said city as fully as if the same were herein specially enumerated. The mayor shall receive such compensation for his services as the city council may from time to time by ordinance determine; but the amount of such compensation shall not be increased or diminished during the term for which he shall have been elected, and he shall receive no other compensation or emolument whatever. The members of the board of aldermen and common council shall receive no compensation. The mayor and aldermen shall have full and exclusive power to appoint constables, and a chief of police with all the powers and duties of a constable; and shall have full and exclusive power and authority to appoint all other police and all subordinate officers connected with the police department, whose election is not herein provided for, with all or any of the powers of constables except the power of serving and executing civil process; and the same to remove

Aldermen and
common coun-
cillmen to receive
no compensa-
tion.
Constables and
police officers,
to be appointed
by mayor and
aldermen.

at pleasure, and all such officers shall continue in office until their successors are appointed or they are removed. And the mayor and aldermen shall require any person who may be appointed chief of police or constable of the city, to give bonds for the faithful discharge of the duties of the office, with such security and to such amount as they may deem reasonable and proper, and as provided by the laws of the Commonwealth; upon which bonds the like proceedings and remedies may be had as are by law provided in the case of constables' bonds taken by the selectmen of towns. All other powers now vested in the inhabitants of the said city, and all powers granted by this act, shall be vested in the mayor and aldermen and common council of the said city, to be exercised by concurrent vote, each board to have a negative upon the other; but the city council shall annually as soon after their organization as may be convenient, elect by concurrent vote of both branches of said council, a city treasurer, collector of taxes, assessors, and city clerk, who shall hold their offices until others are elected and qualified in their stead, and shall, in such manner as the city council may determine, by ordinance made for the purpose, appoint or elect all subordinate officers not herein otherwise directed, for the then ensuing year, define their duties, and fix their compensations in cases where such duties and compensations, shall not be defined and fixed by the laws of the Commonwealth. In case any vacancy shall occur in any office, the election to which is made by the city council, said council shall have power to fill the same. All sittings of the mayor and aldermen, of the city council, and of the common council, shall be public when they are not engaged in executive business. The city council shall take care that money shall not be paid from the treasury unless granted or appropriated; shall secure a just and prompt accountability, by requiring bonds, with sufficient penalty and sureties, from all persons intrusted with the receipt, custody, or disbursement of money; shall have the care and superintendence of city buildings, and the custody and management of all city property, with power to let or sell what may be legally let or sold; and to purchase property real or personal, in the name and for the use of the city, whenever its interest or convenience may in their judgment require it. The city council shall as often as once a year cause to be published for the use of the inhabitants a particular account of receipts and expenditures, and a

May be required
to give bonds.

Election of city
clerk, treasurer,
etc., by concu-
rent vote.

Sittings to be
public, except
when engaged
in executive
business.

Account of
receipts and
expenditures to

be published
annually.

Nominations
made by the
mayor subject
to confirmation
by aldermen.

City clerk to be
sworn.

Duties.

To be clerk of
city council
when in
convention.

City clerk,
pro tempore.

Assessors of
taxes.

schedule of all the property and debts of the city, together with such other information as said city council may deem advisable.

SECTION 13. In all cases in which appointments are directed to be made by the mayor and aldermen, the mayor shall have the exclusive power of nomination, being subject however to confirmation or rejection by the board of aldermen; but if a person so nominated shall be rejected, it shall be the duty of the mayor to make another nomination within one month from the time of such rejection. No person shall be eligible to any office of emolument, the salary of which is payable out of the city treasury, who, at the time of an election or appointment, shall be a member of the city council.

SECTION 14. The city clerk before entering upon the duties of his office shall be sworn to the faithful performance of his duties. He shall be clerk of the board of aldermen, shall attend said board when the same is in session, and shall keep a journal of the acts and proceedings of said board, sign all warrants issued by them, and do such other acts in his capacity as may lawfully and reasonably be required of him; and shall deliver all journals, records, papers and documents, and other things intrusted to him as city clerk, to his successor in office, immediately upon such successor being chosen and qualified as aforesaid, or whenever he may be thereto required by the board of aldermen. He shall also be clerk of the city council when in convention. He shall perform all the duties and exercise all the powers by law incumbent upon or vested in clerks of towns in this Commonwealth, or by law belonging to the city clerk of the city of Chelsea, as fully as if the same were particularly enumerated; and he may be removed at the pleasure of the city council. In case of the temporary absence or sickness of the city clerk, or in case of his death, the mayor and aldermen may appoint a city clerk *pro tempore*, with all the powers, duties and obligations of the city clerk, until the city clerk shall resume his duties, or his successor is elected, and said officer shall be sworn in the manner provided in the case of the city clerk.

SECTION 15. The assessors, to be chosen as herein before provided, shall constitute the board of assessors, and shall exercise the same powers, and be subject to the same duties and liabilities, that the assessors in the several towns

in the Commonwealth may exercise, or are subject to under existing laws, and shall be sworn to the faithful performance of their duty. All taxes shall be assessed, apportioned, and collected, in the manner prescribed by the laws of this Commonwealth: *provided, however*, that the city council may establish further or additional provisions for the collection thereof.

SECTION 16. The city council shall establish a fire department for the city of Chelsea, and shall by ordinance provide for the appointment or election of the force thereof, to consist of a chief engineer, a superintendent of fire alarm telegraph, and so many assistant engineers, and so many enginemen, hosemen, hook-and-ladder men, and such other officers and members however otherwise termed, as the city council shall from time to time prescribe, and the same to remove at pleasure, and all said officers and members shall continue in office until their successors are appointed, or they are removed; and the city council shall have authority to make such provisions in regard to the time of appointment of all such officers and members, to make such requisitions in respect to their qualifications and period of service, to define their office and duties, to fix and pay such compensation for their services, and in general to make such regulations in regard to their conduct of fires, and persons attending fires, subject to the penalties provided for the breach of the city ordinances, as they shall deem expedient. The engineers of the fire department shall have the powers and authority in regard to the prevention and extinguishment of fires, and the performance of other offices and duties incumbent upon fire-wards and engineers of fire departments by the statutes of the Commonwealth; and shall also have full power and authority to make an examination of places where any kind of combustible or inflammable materials are collected or deposited, whether the same be in any building, or upon any land or premises, within the limits of the city, and in case of the production or accumulation by any person or party whatsoever, of such combustible and inflammable materials, to take the necessary measures, when in their judgment safety from fire requires, to collect, remove, confine, destroy, or otherwise dispose of, any such materials, wherever the same shall have been stored or allowed to accumulate: *provided*, that reasonable notice in writing, not less than twenty-four hours, shall have been given by

Fire department
to be estab-
lished.

Power and
authority of
engineers.

Proviso.

the chief or any one of his assistants to the owner of the building or premises, or the person or party in possession thereof, where such material may be found, or who may be responsible for its production or accumulation, to remove the same forthwith; and all costs, charges and expenses resulting therefrom may be recovered of any person or party responsible for the production or accumulation of such materials, by an action of contract brought in the name of the city of Chelsea against such person or party in any court of competent jurisdiction.

Overseers of the poor.

SECTION 17. The persons heretofore elected by the city council as members of the board of overseers of the poor, may continue in office according to the terms thereof; and in the month of December annually hereafter the city council shall by concurrent vote elect one person a resident of said city to serve as a member of said board for three years. The term of office of all persons so elected as members of the board of overseers of the poor shall begin on the first Monday of January after their election. The city council may at any time for cause remove any member of said board, and shall fill any vacancy therein by election in the manner herein before provided, as soon as may be after the occurrence of such vacancy; and the person elected to fill a vacancy shall serve during the remainder of the term for which his predecessor was elected. On the first Monday of January in each year said board shall meet and organize by the choice of a chairman from their own number, and a clerk not of their own number, and such other subordinate officers not of their own number as they shall deem expedient, and shall define the duties, and fix the salaries to be paid out of the city treasury, of the clerk and other subordinate officers; but no member of said board shall receive any compensation.

Laying out, altering, etc., of streets.

SECTION 18. The city council shall have exclusive authority and power to lay out, alter or discontinue any street or town way, to establish the grade thereof, and to estimate the damages any individual or party may sustain thereby; but all questions relating to the subject of laying out, accepting, altering or discontinuing any street or way shall be first acted upon by the mayor and aldermen, and any person or party dissatisfied with the decision of the city council in the estimate of damages may make complaint to the superior court for the county of Suffolk in term time or vacation, within one year after such decision.

whereupon the same proceedings shall be had as are now by law provided in cases where persons or parties are aggrieved by the assessment of damages by the selectmen of towns, in the forty-third chapter of the General Statutes and acts in amendment thereof.

SECTION 19. The mayor and aldermen shall in each year issue their warrant for calling meetings for the election of the whole number of representatives to the general court to which the said city is by law entitled, and the number shall be specified in the warrant.

Warrants for election of representatives.

SECTION 20. All elections for county, state and United States officers, who are voted for by the people, shall be held at meetings of the citizens qualified to vote in such elections, in their respective wards, at the time fixed by law for these elections respectively; and at such meetings all the votes given for such officers respectively shall be assorted, counted, declared and registered, in open ward meeting, by causing the names of all persons voted for, and the number of votes given for each, to be written in the ward records in words at length. The ward clerk shall forthwith deliver to the city clerk a certified copy of the record of such elections; and all ballots and check lists shall be sealed and transmitted to the city clerk in the manner provided by the laws of the Commonwealth. The city clerk shall forthwith record such returns; and the mayor and aldermen shall within the time provided by law, after every such election, examine and compare all such returns, and make out a certificate of the result of such elections, to be signed by the mayor and a majority of the aldermen and also by the city clerk, which shall be transmitted, delivered and returned as by law required.

Election of county, state and national officers.

City clerk to record the returns.

SECTION 21. Prior to every election, the mayor and aldermen shall make out lists of all the citizens of each ward qualified to vote in such elections, in the manner provided by the laws of the Commonwealth, and for that purpose they shall have full access to the assessors' books and lists, and be entitled to the assistance of all assessors and city officers; and they shall deliver the said lists so prepared and corrected to the clerks of the said wards, to be used at such elections, and shall cause copies thereof to be posted in one or more public places in each ward, the length of time required by law prior to such elections; and no person shall be entitled to vote whose name is not borne on such list: *provided*, that any person whose name

Lists of voters to be furnished to clerks of the wards.

Copies to be posted in public places.

Subject to
acceptance.

SECTION 6. This act shall take effect on its acceptance by the city council of the city of Salem.

Approved April 21, 1881.

[Accepted May 3, 1881.]

[1876, 150.]

Chap. 218 AN ACT to provide for the Appointment of Railroad Police Officers for the Troy and Greenfield Railroad.

Be it enacted, etc., as follows:

Railroad police
for the Troy
and Greenfield
Railroad.

SECTION 1. The selectmen of North Adams and of any other town on the line of the Troy and Greenfield Railroad may, upon petition of the manager of the Troy and Greenfield Railroad and Hoosac Tunnel, appoint any person or persons in the employ of said manager police officers to act as railroad police, and to have upon the premises and cars of the state road all the powers which railroad police officers now have upon the premises and cars of the corporation upon whose petition they are appointed. Such officers shall be paid by said manager, and shall hold their offices during the pleasure of the selectmen, provided that their authority shall cease when said manager files with the town clerk notice to that effect.

SECTION 2. This act shall take effect upon its passage.

Approved April 23, 1881.

Chap. 220 AN ACT in relation to Prisoners sentenced to Imprisonment in Jail in Suffolk County.

Be it enacted, etc., as follows:

Prisoners may
be removed
from jail to
house of correc-
tion in Suffolk.

Proviso.

United States
prisoners
excepted.

SECTION 1. The sheriff of the county of Suffolk may remove from the jail in Suffolk county to the house of correction in said county, any person held in said jail upon a sentence, and the person so removed shall serve in said house of correction the remainder of his term of sentence: *provided, however,* that no such removal shall be made without the written consent of the court which imposed the sentence, or, in case the sentence was imposed by the superior court, the consent of the district attorney.

SECTION 2. The provisions of section one of this act shall not authorize the removal of a prisoner held in said jail upon a sentence imposed by a court of the United States.

SECTION 3. This act shall take effect upon its passage.

Approved April 25, 1881.

[1878, 243.]

AN ACT to amend "An Act in relation to Registration and Elections in the City of Boston." *Chap. 221*

Be it enacted, etc., as follows:

SECTION 1. Section sixteen of chapter two hundred and forty-three of the acts of the year eighteen hundred and seventy-eight is hereby amended by striking out the first word of said section and inserting therein the word "all," and inserting before the word "the," in the fourth line, the words "any of," and by inserting after the word "lists," in the fourth line thereof, the words "between the close of registration and the day of the next succeeding election."

Amendment to
1878, 243, § 16.

SECTION 2. This act shall take effect upon its passage.

Approved April 26, 1881.

[1881, 291.]

AN ACT to incorporate the East Haven Company.

Chap. 227

Be it enacted, etc., as follows:

SECTION 1. James Alexander, William Gaston, Josiah Quincy, Frederick O. Prince, James W. Converse, Edwin F. Waters, Edward A. White and Norman C. Munson, their associates and successors, are hereby made a corporation by the name of the East Haven Company, to be established in the county of Suffolk, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in all general laws which now are or hereafter may be in force relating to similar corporations organized under the general laws of this Commonwealth, except so far as otherwise provided by this act.

Corporators.

Name.
Powers and
duties.

SECTION 2. Said corporation is hereby authorized to purchase, hold, manage, improve, lease and dispose of the land and flats situated in Boston in said county, and lying easterly and southerly of the sea wall built by the East Boston Company and of the Boston, Revere Beach and Lynn Railroad, in that part of Boston called East Boston, and westerly and southerly of Saratoga Street; and to construct and maintain thereon ship channels, basins, docks, wharves, elevators, warehouses and other buildings and structures suitable for terminal facilities for receiving, storing, delivering and forwarding freight, including cattle and live stock, to be received and sent from steamships or other ships or from railroads; and for the

May purchase,
improve and
sell certain
lands and flats
in East Boston.

May construct
wharves and
docks.

May be appointed public warehouseman.

May lay and maintain railroad tracks.

Location and construction of road, land damages, etc.

purpose of transacting all such business as is usually performed by persons or corporations engaged in receiving, storing or forwarding freight or passengers at the seaboard; and to lay vessels at the ends and sides of its wharves and water frontage, and receive wharfage and dockage therefor; and to keep open and convenient for navigation at all times the ship channels, docks and basins which it is hereby authorized to construct; and for the purposes aforesaid may be appointed public warehouseman, pursuant to the laws of the Commonwealth, but shall not be authorized to carry on the business of buying and selling merchandise.

SECTION 3. This corporation may lay and maintain railroad tracks to be operated by steam power upon any of its wharves or terminal grounds, and may, with the consent of and in methods imposed by the railroad commissioners, extend the same to, connect the same with, and cross the same over, the tracks of any railroad corporation or corporations, and may take land requisite for that purpose: *provided, however*, that no land or tracks of any railroad corporation shall, except for the connections required as aforesaid, be taken or interfered with without its consent; but any railroad corporation may by agreement with this corporation, under the limitations of this act, re-locate or extend its tracks in such manner as may be necessary for connection with the tracks of this corporation. This corporation may lay railroad tracks to be operated by steam power in such streets in that part of Boston called East Boston as the board of aldermen of the city of Boston may permit, and subject to such regulations and conditions as said board may prescribe; but said board may at any time revoke such permission and discontinue any such location, upon due notice and hearing of the parties in interest.

SECTION 4. The taking of any land for the purpose aforesaid, and the damages therefor, and the location and construction of any railroad to be constructed by this corporation under the authority of this act, and the operation of any such railroad, shall so far as applicable thereto, be subject to the provisions of the general railroad act of the year eighteen hundred and seventy-four, and of any acts passed or to be passed in addition to the same or in amendment thereof. It shall be the duty of each railroad corporation whose railroad shall be connected with the tracks

of this corporation, as aforesaid, either directly or over intervening road or roads, to receive and deliver freight cars at each of said connections, and to draw the same over its road at rates to be established according to the provisions of said general railroad act and any amendment thereof or addition thereto regulating the use and operation of connecting railroads. In making such connections this corporation shall have all the powers and be subject to all the duties, so far as applicable thereto, set forth in said act, amendments and additions in respect to connecting railroads.

SECTION 5. Said corporation, for the purposes set forth in the preceding sections, may, in addition to the lands and flats above described, purchase and hold any such lands and flats adjoining any lands or flats of said corporation as may be convenient and necessary therefor, and may acquire by purchase all the rights, powers and benefits granted to the Boston Land Company by the two hundred and twenty-fifth chapter of the acts of the year eighteen hundred and seventy-seven, but subject to the provisions therein contained: *provided, however*, that until the East Haven Company has acquired the rights, powers and benefits granted to the Boston Land Company by said act, the same shall not be exercised and enjoyed under the authority of this act without the consent in writing of said Boston Land Company; and the first section of said chapter is hereby amended by substituting the words "nine years," for the words "six years," therein.

May purchase rights and powers of the Boston Land Company.

Proviso.

SECTION 6. The crossing and use of all streets in that part of Boston called East Boston, by the locomotives and cars upon the tracks of any railroad leading to any dock, wharf, elevator, warehouse or other building or structure of said corporation, shall be under such rules and regulations and upon such conditions as the board of aldermen of said city may prescribe: *provided, however*, that no street shall be crossed at grade without the consent of the railroad commissioners.

Use of locomotives and cars to be regulated by the board of aldermen.

SECTION 7. This corporation, with the approval of the harbor and land commissioners, and in such manner and to such extent as the commissioners may see fit, may extend its wharves, docks and terminal grounds beyond the commissioners' line, and may with the approval of said harbor and land commissioners, construct, maintain and use ship channels, docks, wharves and terminal grounds

May extend wharves with approval of harbor commissioners.

through or upon any land and flats belonging to the Commonwealth adjoining any lands or flats of this corporation; but in case of the extension of its wharves, docks or terminal grounds over any land or flats of the Commonwealth, this corporation shall pay into the treasury of the Commonwealth, as compensation for the same, such sums as the governor and council shall determine to be just and equitable. And said commissioners, subject to the approval of the governor and council, may contract for the sale of, and may by deed convey to the East Haven Company on such terms as may be agreed upon, such land and flats of the Commonwealth as may be required for the purposes of said company.

May purchase
land of the
Common-
wealth.

Capital stock
and shares.

SECTION 8. The capital stock of said corporation shall not be less than two hundred and fifty thousand dollars nor more than three million dollars, to be fixed and increased as may be necessary from time to time by vote of the corporation, and shall be divided into shares of the par value of one hundred dollars each; but said corporation shall not take any land or commence the transaction of business until the whole amount of the capital stock as then fixed shall have been paid in, in cash, agreeably to the provisions of the general laws relative to corporations organized under the laws of the Commonwealth, and a certificate thereof filed in the office of the secretary of the Commonwealth as required by section thirty-two of chapter two hundred and twenty-four of the acts of the year eighteen hundred and seventy.

Subscribers for
stock in the
company.

SECTION 9. Any railroad corporation within or without the Commonwealth, the tracks of which shall either directly or over intervening road or roads connect with any track or tracks laid and maintained on said terminal land, the East Boston Company and any steamship company engaged in the carriage of freight between the port of Boston and any foreign port, may subscribe for and hold stock in the East Haven Company, and in such case may, by its president or any agent appointed by its board of directors for the purpose, be represented and vote at all meetings of the East Haven Company.

Storage of
freights.

SECTION 10. It shall be the duty of said corporation hereby created to receive and store at reasonable rates, and under reasonable regulations, and so far as its capacity may admit, all freights received or to be sent that shall be offered to said corporation. Said corporation shall make

no discrimination against or in favor of any railroad corporation or ship owner desiring to do business on its premises.

SECTION 11. Said corporation may issue its bonds, and secure them by mortgage of its property and franchise, to an amount not exceeding two-thirds of its capital stock then paid in.

May issue bonds and mortgage property.

SECTION 12. Unless this corporation shall construct or cause to be constructed under the authority of this act, within five years from the passage thereof, one or more docks, with capacity at least for two ocean steamers, the rights and powers granted in and by this act, in respect to lands and flats of the Commonwealth, shall cease and become void, except where and so far as valuable structures, works or enclosures shall have been actually and in good faith built or made under the same, and except as to lands and flats actually purchased of the Commonwealth.

Docks to be constructed within five years.

SECTION 13. This act shall take effect upon its passage.

Approved April 30, 1881.

AN ACT to require the Housatonic Railroad Company to construct a Station at Stockbridge.

Chap. 228

Be it enacted, etc., as follows:

SECTION 1. The Housatonic Railroad Company is required to erect and maintain in the town and near the village of Stockbridge a station reasonably commodious and furnished for the use of passengers. Said company shall within ninety days after the passage of this act cause plans and designs to be prepared of the proposed station, including the location thereof, and submit them to the board of railroad commissioners for their approval. Said board shall within thirty days approve the same or order such changes therein as in their judgment the safety and convenience of the public require; and the changes so ordered, if any, shall be made by said company within thirty days after such order. And if it becomes necessary in locating and constructing said station or removing its freight station for said company to take land without agreement with the owner or owners thereof, it shall be taken under the provisions of law relating to the taking of land for railroad tracks.

To maintain a station near village of Stockbridge.

May take land.

SECTION 2. Said passenger station shall be located, constructed and furnished according to such plans so approved or ordered to be changed by said board, and be ready for

Station to be completed on or before Jan. 1, 1883, under penalty.

use on or before the first day of January in the year eighteen hundred and eighty-three. If said company neglects to perform the duty required of it by section one, it shall forfeit and pay the sum of one hundred dollars for each day's delay in performing said duty; and if, after receiving notice of the action of the board, said company does not comply with the requirements of section two, it shall forfeit and pay two hundred dollars for each month's delay in completing and furnishing said passenger station, and said forfeitures may be recovered in actions of tort to the use of the Commonwealth.

SECTION 3. This act shall take effect upon its passage.

Approved April 30, 1881.

Chap. 229

AN ACT relating to Ordinances of the City of Boston.

Be it enacted, etc., as follows :

May prescribe
duties of certain
officers and fix
their compensa-
tion, by ordi-
nance.

SECTION 1. The city council of Boston may pass ordinances prescribing the duties and fixing the compensation of officers for whose appointment or election they are now or may hereafter be authorized to provide, and every such officer unless otherwise provided by statute may be empowered by ordinance to hold office for one year from the day in the year of his election or appointment fixed by ordinance, and until his successor shall be elected or appointed and qualified, unless sooner removed by concurrent vote of each branch of the city council.

Certain ordi-
nances con-
firmed.

SECTION 2. The ordinances of said city so far as they provide for a term of office longer than one year for members of the board of health and of the board of fire commissioners, are hereby confirmed, and the persons now acting under said ordinances as members of said boards shall severally hold their offices and have the powers and duties thereof until their successors are qualified.

Enacting style.

SECTION 3. The enacting style and method of publishing the ordinances of said city shall be such as the city shall by ordinance prescribe.

Fines to be
paid into
treasury.

SECTION 4. All fines and penalties for the breach of any ordinance of said city shall be paid into the treasury for the use of said city unless otherwise provided by statute or ordinance.

SECTION 5. This act shall take effect upon its passage.

Approved April 30, 1881.

[1876, 180.]

AN ACT in Addition to An Act to provide for the Management of the Hoosac Tunnel and the Troy and Greenfield Railroad. *Chap. 230*

Be it enacted, etc., as follows :

SECTION 1. The manager of the Troy and Greenfield Railroad and Hoosac Tunnel is authorized to make and enforce all needful rules for the operation thereof, including the operation of the yard at North Adams, and also including rules as to the circumstances which shall constitute delivery of freight and freight cars from one railroad company to another at said yard. And he shall have the power to operate said yard, including the shifting of cars therein, and to hire men and locomotive power therefor, and in case of necessity he may use the locomotive power of any operating railroad company therefor; and said manager shall live in North Adams.

Manager may make rules for operation of road.

Yard at North Adams.

SECTION 2. If any of the companies operating said road shall object to any of said rules, the question shall be decided at once by the board of railroad commissioners.

If rules are objected to, commissioners to decide.

SECTION 3. If any rule made by the manager shall impose duties upon any station agent or other employé of the state, not required of such agent or employé by existing contracts with any operating railroad companies, no new liability shall thereby be imposed upon the Commonwealth, or the manager of the state railroad, nor shall the violation or neglect of such rule render the Commonwealth or the manager liable in any way, nor relieve from liability any operating railroad company which would otherwise be liable whose employés have by misconduct or negligence contributed to an accident.

No new liability incurred if rules require duties not imposed by existing contracts.

SECTION 4. If either of said operating companies shall refuse or neglect to comply with any rule made by the manager, he may in addition to his other remedies apply to the attorney general, who may in his behalf make complaint before any justice of the supreme judicial court, in term time or vacation, and said justice shall have power in a summary manner to hear the complaint and to enforce his decision thereon by injunction or by any other fit decree. And the decision of said justice, pending appeal or exceptions, shall remain in full force.

Remedy for enforcement of rules.

SECTION 5. Each operating railroad company shall furnish the said manager such record of transactions as will enable him to make up the earnings of the Troy and Greenfield Railroad and the traffic thereof, with appeal to

Account of earnings and traffic.

the board of railroad commissioners in case of disagreement as to what is necessary for that purpose in respect to items and time of reporting. *Approved April 30, 1881.*

Chap. 231

AN ACT to authorize the Town of Beverly to refund its Indebtedness.
Be it enacted, etc., as follows:

May issue bonds
to fund its pres-
ent debt.

SECTION 1. The town of Beverly for the purpose of funding its present debt may issue coupon or registered bonds to an amount not exceeding in all one million one hundred thousand dollars; the bonds shall bear date the first day of July in the year eighteen hundred and eighty-one, and be payable the first day of July in the year nineteen hundred and eleven; they shall be in the sum of five hundred dollars or any multiple of five hundred dollars and shall bear interest payable semi-annually at the rate of four per cent. per annum; they shall be signed by the treasurer and countersigned by the selectmen.

Sale and dispo-
sition of bonds.

SECTION 2. These bonds may be disposed of in one of the three following ways and not otherwise; first,—they may be sold by the treasurer at their market value and the proceeds used in payment of any of the outstanding notes of the town at their maturity; or second,—they may be sold by the treasurer at their market value and the proceeds used in the purchase of the said notes before maturity at their fair market value; or third,—these bonds may be exchanged by the treasurer for the notes of the town now outstanding, in which case interest warrants may be issued for the interest specified in the notes taken in exchange over and above the interest provided for in the bonds given in exchange. Such interest warrants shall be signed by the treasurer and countersigned by the selectmen or a majority thereof.

Bonds to be
countersigned
by a majority of
the selectmen.

SECTION 3. Whenever the treasurer has occasion to issue bonds for any of the purposes mentioned in section two, he shall state in detail in writing to the selectmen the number of bonds and interest warrants he has occasion to issue and the purpose for which they are needed; and thereupon the selectmen shall countersign as many of said bonds and interest warrants as shall be necessary for the purposes in said writing indicated. No bond shall be valid until countersigned by the selectmen or a majority thereof.

Amount to be
raised by
taxation.

SECTION 4. Said town shall annually raise by taxation an amount sufficient to pay the interest on all bonds issued

under this act and on its outstanding notes as it accrues, and the interest specified in the interest warrants mentioned in section two; and shall also raise by taxation for the next ten years including the present year, ten thousand dollars a year, and thereafter until the bonds are paid twenty thousand dollars a year, which sums shall be added to the present sinking fund of said town established under chapter one hundred and sixty-eight of the acts of the year eighteen hundred and seventy-four, which sinking fund, together with all such yearly additions, shall be held in trust; first, for the payment of the notes of the town now outstanding, and, after said notes are paid, in trust for the payment of the bonds to be issued under this act.

Sinking fund.

SECTION 5. Commissioners of the sinking fund mentioned in section four shall be elected in accordance with chapter two hundred and nine of the acts of the year eighteen hundred and seventy-five; and upon the election thereof the present commissioners of the present sinking fund, chosen under chapter one hundred and sixty-eight of the acts of the year eighteen hundred and seventy-four, shall transfer to them the assets of that sinking fund, and thereupon the duties of the present commissioners shall cease.

Commissioners of sinking fund to be elected.

SECTION 6. Except as in this act otherwise provided the town of Beverly shall be subject to chapter two hundred and nine of the acts of the year eighteen hundred and seventy-five. The supreme judicial court shall have the same jurisdiction to enforce the provisions of this act as it has under section eleven of chapter two hundred and nine of the acts of the year eighteen hundred and seventy-five to enforce the provisions of that act.

Limitation of town debt.

SECTION 7. Chapter one hundred and sixty-eight of the acts of the year eighteen hundred and seventy-four is hereby repealed. The word notes as used in this act does not include notes given in anticipation of taxes.

Repeal.

"Notes."

SECTION 8. This act shall not go into effect until accepted by a vote of two-thirds of the legal voters present and voting at an adjournment of the annual meeting or a meeting duly called for the purpose.

Subject to acceptance by a two-thirds vote.

Approved April 30, 1881.

[Accepted July 6, 1881.]

Chap. 232 AN ACT to authorize the Town of Northampton to adopt and execute the Provisions of the Will of Charles E. Forbes.

Be it enacted, etc., as follows:

May execute provisions of will.

SECTION 1. All requisite power and authority is hereby given to the town of Northampton to adopt and execute all the provisions of the will of Charles E. Forbes late of Northampton, relating to the establishment and maintenance of a library at said Northampton, and to perform all the conditions and to assume all the obligations mentioned in said will, and to be forever bound to the performance thereof.

Subject to acceptance by town.

SECTION 2. This act shall take effect upon votes being duly passed by the town of Northampton in legal town meeting called for the purpose, and recorded among the records of the town, whereby the town shall accept this act and the provisions and bequests of said will, and shall undertake to perform all the conditions and assume all the obligations mentioned in said will. *Approved May 3, 1881.*

[Accepted May 31, 1881.] [1881, 241.]

Chap. 238 AN ACT to abate a Nuisance in the City of Boston, and for the Preservation of the Public Health in said City.

Be it enacted, etc., as follows:

Owners may be ordered to fill the flats of Prison Point Bay.

SECTION 1. The board of health of the city of Boston may order the owners of the flats and basin, and of the creek connected therewith, of Prison Point Bay, so called, situated in that part of Boston called Charlestown, and lying north of the Fitchburg Railroad and the old state prison grounds, west of Canal Street, south of Cambridge Street, and north and east of the boundary line between Boston and Somerville, to fill up their said flats, basin and creek with good earth, or other suitable material, to a grade not less than ten feet above mean low water, in order to secure the abatement of the existing nuisance therein, and for the preservation of the public health of said city; and may also direct in such orders within what time any specific portion thereof shall be filled.

Orders to be in writing.

SECTION 2. Such orders shall be made in writing, and served upon such owners or occupants in the manner prescribed in section nine of chapter twenty-six of the General Statutes for the service of orders of boards of health.

City of Boston to fill up flats, if owners fail to comply.

SECTION 3. If any owner of the territory, or of any interest in any part thereof, described in the first section of this act, fails to begin to comply with any such order

within three months after service thereof upon him, or fails after such beginning to comply diligently with such order, or at the expiration of one year after the service thereof has failed to comply fully with such order, the city of Boston shall fill up the said territory with good earth or other suitable material, to a grade ten feet above mean low water; and all expenses incurred thereby shall constitute a lien upon the several parcels of said territory and the land made by said filling, and upon all buildings thereon, which may be assessed by the board of aldermen of said city of Boston, and the assessment so made, with the charges for cost and interest, may be enforced and collected by the city collector of said city; and said collector may purchase such land and buildings in behalf of said city as provided by law for the collection of taxes upon real estate, and in case of land sold for taxes.

Expenses incurred, to be a lien upon the several parcels of territory.

SECTION 4. If the owner or owners of any land so assessed for such expenses desire to have the amount of said assessment apportioned, he or they shall give notice thereof, in writing, to the board of aldermen of said city, at any time before a demand is made upon him or them for the payment thereof; and said board shall thereupon apportion said amount into three equal parts, which apportionment shall be certified to the assessors of said city; and the said assessors shall add one of said equal parts, with six per cent. interest thereon, to the annual tax of said land each year, for the three years next ensuing.

Assessment may be apportioned and paid in three equal annual payments, upon request of owner.

SECTION 5. If the owner or owners of any parcel of land, the grade of which is raised under the third section of this act, is dissatisfied with the assessment of the expenses of raising the grade of his or their land, he or they may, within twelve months after receiving notice of such assessment, apply for a jury, by petition to the superior court for the county of Suffolk, and have the expenses assessed in the same manner as betterments for the laying out of streets and highways in the county of Suffolk may be assessed.

Owner dissatisfied with assessment may apply to superior court for a jury.

SECTION 6. If the jury do not reduce the amount of the assessment complained of, the respondent shall recover costs against the petitioner, which costs shall be a lien upon the estate and be collected in the same manner as the assessment; but if the jury reduce the amount of the assessment the petitioner shall recover costs; and all assessments shall be a lien on the estate for one year after

Recovery of costs.

- the final judgment in any suit or proceeding where the amount or validity of the same is in question, and shall be collected in the same manner as original assessments.
- City may construct and maintain sewers.** SECTION 7. Said city may construct and maintain such sewers in the territory mentioned in section one of this act as it deems the public health and convenience require; and shall make suitable provision for carrying off all the surface water naturally flowing into the territory authorized to be filled by this act, and also for all water flowing into the same through all creeks or other natural water courses.
- May permit railway tracks to be laid.** SECTION 8. The said city of Boston may lay, or permit to be laid, railway tracks through or across its streets, and maintain or permit them to be maintained so long as may be necessary for transporting earth and other material to fill up the territory, as herein provided.
- Filling, etc., to be done within two years.** SECTION 9. All filling and grading done under this act shall be done within two years from the passage hereof.
- SECTION 10. This act shall take effect upon its passage.

Approved May 6, 1881.

Chap. 239 AN ACT to incorporate the Ocean Terminal Railroad Dock and Elevator Company.

Be it enacted, etc., as follows:

- Corporators.** SECTION 1. Joseph E. Bartlett, Amos Stone, George H. Jacobs, George W. Ireland, William P. Blake, Charles Collier, David N. Skillings, Franklin O. Reed and William B. Long, their associates and successors, are hereby made
- Name.** a corporation by the name of the Ocean Terminal Railroad Dock and Elevator Company, to be established in the city
- Powers and duties.** of Boston, with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force relating to all similar corporations organized under the general laws of this Commonwealth, except so far as otherwise especially provided by this act.
- May construct elevators and warehouses.** SECTION 2. Said corporation is hereby authorized to construct and maintain elevators, warehouses and other buildings and structures suitable for terminal facilities for the reception, storing, delivering and forwarding of freight, also to transact all such business as is usually performed by persons or corporations engaged in receiving, storing or forwarding freight at the seaboard, and for that purpose
- May be ap-** may be appointed public warehouseman pursuant to the

laws of the Commonwealth, but shall not be authorized to carry on the business of buying and selling merchandise.

pointed public
warehouseman.

SECTION 3. Said corporation may lay and maintain railroad tracks, to be operated by steam power, upon any of its wharves or terminal grounds, and may connect the same with the tracks of any railroad extending to said terminal grounds and wharves. It shall be the duty of each railroad corporation whose railroad shall be connected with the tracks of this corporation, as aforesaid, either directly or over any intervening road or roads, to receive and deliver freight cars at each of said connections, and to draw the same over its road at rates to be established according to the provisions of the general railroad act, and any amendment thereof or addition thereto, regulating the use and operation of connecting railroads. In making such connections this corporation shall have all the powers and be subject to all the duties, so far as applicable thereto, set forth in said act and amendments and additions thereto in respect to connecting railroads.

May lay tracks
to be operated
by steam power.

Reception and
delivery of
freight cars.

SECTION 4. Said corporation, for the purposes set forth in this act, may purchase and hold all or any part of the lands, wharves, property, rights, privileges and franchises of the Mystic River Corporation, and of the Ocean Terminal Railroad Company, upon such terms and conditions as shall, at any time within one year from the passage of this act, be agreed upon by the directors of each of said corporations, and approved by a majority in interest of the stockholders respectively of said corporations, and of the Ocean Terminal Railroad Dock and Elevator Company, present and voting at meetings duly called for that purpose; and the said Mystic River Corporation, and the said Ocean Terminal Railroad Company, are hereby severally authorized to sell, convey and transfer to the Ocean Terminal Railroad Dock and Elevator Company, all or any part of their respective lands, wharves, property, rights, privileges and franchises. Said Ocean Terminal Railroad Dock and Elevator Company, shall be subject to all the duties, restrictions and liabilities to which said corporations, or either of them, at the time of said purchase are subject so far as relates to the lands, wharves, property, rights, privileges and franchises so transferred.

May purchase
property and
franchises of the
Mystic River
Corporation,
and of the
Ocean Terminal
Railroad
Company.

SECTION 5. The capital stock of said corporation shall not be less than five hundred thousand dollars nor more than two million dollars, to be fixed and increased as may

Capital stock
and shares.

Business not to be commenced until whole capital has been paid in.

be necessary from time to time by vote of the corporation, and shall be divided into shares of the par value of one hundred dollars each; but said corporation shall not begin the transaction of business until the whole amount of the capital stock as then fixed shall have been paid in, in cash, agreeably to the general laws relative to corporations organized under the laws of the Commonwealth, and a certificate thereof filed in the office of the secretary of the Commonwealth as required by section thirty-two of chapter two hundred and twenty-four of the acts of the year eighteen hundred and seventy.

Stock may be taken by connecting railroads, steamship companies carrying foreign freight, and incorporated land transportation companies.

SECTION 6. Any railroad corporation, within or without the Commonwealth, owning a railroad the tracks of which connect, either directly, or over intervening tracks, with the tracks of this corporation; any steamship company engaged in the carriage of freight between the port of Boston and any foreign port; and any incorporated land transportation company, may subscribe for and hold stock in the said Ocean Terminal Railroad Dock and Elevator Company, and in such case may, by its president or by any agent appointed by its board of directors for that purpose, be represented and vote at all meetings of said Ocean Terminal Railroad Dock and Elevator Company.

May lease premises.

SECTION 7. Said corporation may lease the whole or any part of its premises to be used for the purposes authorized by this act.

May issue bonds and secure by mortgage.

SECTION 8. Said corporation may issue its bonds and secure them by mortgage of its property and franchise to an amount not exceeding three-fourths of its capital stock then paid in.

SECTION 9. This act shall take effect upon its passage.

Approved May 6, 1881.

Chap. 240 AN ACT concerning Alewife Brook and certain Sewers in Cambridge and Somerville.

Be it enacted, etc., as follows:

City of Cambridge to construct a sewer and discharge certain sewage in a sewer in Somerville.

SECTION 1. The city of Cambridge shall construct an intercepting sewer of sufficient capacity, and by means thereof shall conduct the sewage of the Concord Avenue, Spruce Street, and North Avenue sewers in said city, and of any sewer at any time discharging into either of said sewers or into said intercepting sewer, to some convenient spot upon the poor farm in said city; shall there construct a storage basin for the temporary deposit of such sewage

and by means of pumps or otherwise shall raise such sewage to a sufficient height to discharge the same by means of a connecting sewer at a convenient point in the sewer in Newbury Street, in the city of Somerville; shall construct such connecting sewer and shall so discharge the said sewage for the term of five years from the first day of September next, the connection with the said Somerville sewer to be made on or before said first day of September: *provided*, that during repairs upon any Somerville sewer into which the Cambridge sewage shall be so discharged, pumping shall be discontinued if the city engineer of Somerville shall so request of the city of Cambridge; and shall also be discontinued during any sudden and violent shower, storm, or unusually high tide, if reasonably necessary, but the city of Cambridge may during any such discontinuance discharge its sewage into Alewife Brook; *provided, however*, that if this method of disposing of said sewage be adjudged impracticable as hereinafter provided, then the obligation imposed by this section shall be void, and *provided, further*, that whenever the city of Cambridge shall adopt and carry into active operation any other method of disposing of the sewage of its sewers above named and sewers at any time discharging therein than by a discharge into Alewife Brook, the obligation imposed by this section shall be void.

Proviso.

SECTION 2. For the purposes named in the preceding section, the city council of Cambridge shall have the same right to take private land in Somerville as it now has to take land for sewers in Cambridge, and all the proceedings of such taking shall be conducted in the same manner as though such land were in Cambridge, and all persons and corporations suffering damage in their property by reason of such taking shall have the same rights and remedies for ascertaining and recovering the amount of such damage as in the case of land taken for sewers in Cambridge.

City council of Cambridge may take land in Somerville.

SECTION 3. If at any time after the construction of the works required by the first section hereof and actual trial thereof, that method of disposing of said sewage be deemed by the state board of health, lunacy and charity, after such notice and hearing as said board may order, impracticable without great and unreasonable expense, then the obligation imposed by the first section hereof shall be void.

If method of disposing of sewage is deemed impracticable by state board of health, etc., obligation to be void.

SECTION 4. After the expiration of five years from the first day of September next the city of Cambridge may at

To be discontinued after five years, except

with consent of
Somerville.

its option continue or discontinue the works prescribed in the first section hereof; said continuance, however, to be for a term of five years and no more, except with the consent of the city of Somerville, and subject to the same conditions as the original term.

Cambridge to
pay Somerville
\$1,000 annually.

SECTION 5. So long as the city of Cambridge discharges its sewage into the sewer of Somerville in the manner herein before prescribed, it shall pay annually to the city of Somerville upon the first day of September, the first payment to be made on the first day of September A.D. eighteen hundred and eighty-two, the sum of one thousand dollars, and in the same ratio for any part of a year, and during the same period shall dispose of the sewage and storm water of the city of Somerville emptying into any sewer of Cambridge under the provisions of this act, in the same manner that it disposes of its own sewage and storm water in the same sewers, and without any cost or charge to the city of Somerville.

Description of
territory in
Somerville to be
drained by con-
necting with
sewers in Cam-
bridge.

SECTION 6. The city of Somerville for the purposes of draining the following described territory situated in Somerville, namely:—Commencing at a point on the boundary line between Cambridge and Somerville, distant one hundred sixty-eight feet southeasterly from a stone bound marking said boundary line and numbered twenty-two; thence running southeastwardly by said boundary line to the southeasterly line of Meacham Street; thence turning and running northeastwardly by said southeasterly line of Meacham Street to the Middlesex Central Railroad; thence continuing in the same direction and crossing said railroad to a point one hundred feet southwesterly from the southwesterly line of Holland Street; thence turning and running northwestwardly by a line parallel with said southwesterly line of Holland Street and one hundred feet distant therefrom to the southeasterly line of Elmwood Street; thence turning and running southwestwardly by said southeasterly line of Elmwood Street to a point in line with the prolongation of the southwesterly line of Mead Street; thence turning and running northwestwardly by said southwesterly line of Mead Street prolonged, crossing Elmwood Street and Cameron Avenue, and by the said southwesterly line of Mead Street to the northwesterly line of Moore Street; thence in the same direction crossing Newbury Street and Clarendon Avenue to the land owned by the city of Cambridge; thence south-

westwardly by said land of the city of Cambridge to the point of beginning, — may connect any sewer upon such territory with any sewer in Cambridge, and for that purpose the city council of Somerville shall have the same right to take private land in Cambridge as it now has to take land for sewers in Somerville, and all the proceedings of such taking shall be conducted in the same manner as though such land were in Somerville, and all persons or corporations suffering damage in their property by reason of such taking shall have the same rights and remedies for ascertaining and recovering the amount of such damage as in the case of land taken for sewers in Somerville.

City council of
Somerville may
take land in
Cambridge.

SECTION 7. Each of said cities may for the purposes of this act carry its pipes and drains under any street, railroad, highway or other way in such manner as not to unnecessarily obstruct the same, and may enter upon and dig up such street, railroad, highway or other way for the purpose of laying, maintaining and repairing any such pipes and drains, and may do any other things necessary or proper in executing the purposes of this act; but, whenever either of said cities enters upon or digs up for such purposes any road, street or way which is outside its own territorial limits, it shall be subject to such reasonable regulations as may be prescribed by the mayor and aldermen of the city wherein such street or way may be located, and shall restore said road, street or way to as good order and condition as it was in before such digging was commenced; shall perform the work in such manner and with such care as not to render any road, street or way in which such pipes are laid unsafe, or unnecessarily inconvenient to the public travel thereon; and shall at all times indemnify and save harmless any city which is liable to keep in repair any road, street or way aforesaid, against all damages which may be recovered against it, and shall reimburse to it all expense which it shall reasonably incur by reason of any defect or want of repair in such road, street or way caused by the maintenance, repair or replacing of said pipes, or by reason of any injury to persons or property caused by any defect or want of repair in any such pipes: *provided*, that such city has notice of any claim or suit for such damage or injury, and an opportunity to assume the defence thereof. Either city shall have the right to use without compensation any sewer built under this act within its own territorial limits.

Each city may
enter upon and
dig up streets,
etc.

Liability for
damages.

Proviso.

When Cambridge ceases to discharge sewage, Somerville shall cease.

SECTION 8. Whenever the city of Cambridge lawfully ceases to discharge sewage into the sewer of the city of Somerville in the manner prescribed by the first section hereof, the city of Somerville shall cease to discharge its sewers into the sewers of the city of Cambridge as provided in the sixth section hereof.

Sewage not to be discharged into brook after Sept. 1, 1881.

SECTION 9. No person or corporation public or private shall after the first day of September next discharge or cause to be discharged either directly or indirectly into Alewife Brook any drainage, refuse or polluting matter of such quality and quantity, as either by itself or in connection with other matter shall corrupt the waters of said brook, or tend to make the brook a nuisance deleterious to public health: *provided, however*, that this prohibition shall not extend to the sewage from the sewers named in the first section hereof, nor to sewage from lands now emptying sewage into said brook, in case the method therein prescribed for disposing of the same be deemed impracticable as aforesaid by the state board of health, lunacy and charity; but this proviso shall not be construed to give to the city of Cambridge, or any person or corporation, any right in addition to what it has at the date of the passage of this act, if any, to drain into said brook.

Proviso.

Not prohibited from discharging storm waters into brook.

SECTION 10. Nothing herein contained shall be construed to prevent the city of Cambridge from discharging the storm water of its sewers, including those named in the first section hereof, into said brook, nor to destroy or impair prescriptive rights of drainage or discharge to the extent to which they lawfully exist at the date of the passage of this act; and nothing in this act contained shall be construed to authorize the pollution of the waters of said brook in any manner now contrary to law.

Drainage into Alewife Brook may be made in sewers in Cambridge.

SECTION 11. The mayor and aldermen of Cambridge may permit any person owning lands in Cambridge now draining into Alewife Brook to drain such lands, or any part thereof, into either of the sewers in Cambridge named in the first section hereof, upon such terms and conditions as they may prescribe. If, within seven days after application to them, the mayor and aldermen do not grant to any such person permission thus to drain, or if such person be dissatisfied with the terms and conditions prescribed by the mayor and aldermen, he may appeal to the state board of health, lunacy and charity, which board,

after such notice as it may order, and a hearing, shall decide whether such person may enter either of the sewers, and what sum, either in gross or at stated periods, he shall pay to Cambridge therefor, and what other terms and conditions, if any, shall be imposed upon said entry, which decision shall be final and binding upon all parties.

SECTION 12. Whenever a violation of any of the provisions of this act affecting the public health or the water supply of any city is committed, the state board of health, lunacy and charity may, if in its judgment the public health requires, order any person or corporation public or private to cease and desist from such violation, and to remedy the pollution or to cleanse or purify the polluting substances in such a manner and to such a degree that they shall be no longer deleterious to the public health before being cast or allowed to flow into said brook: *provided*, that before making such order the said board shall assign a time and place for hearing all parties interested and shall give such parties an opportunity of being heard, and the order herein before provided shall not be issued until after such notice and hearing; and *provided, also*, that upon the application of any city to said board alleging the violation of any of the provisions of this act and the pollution of its water supply thereby, said board shall grant a hearing upon due notification to all parties interested, and upon proof of such violation shall issue the order or orders already mentioned in this act.

Pollution of water to be prevented by the state board of health, etc.

Proviso.

Proviso.

SECTION 13. The supreme judicial court or any one of its justices in term time or vacation shall have power to issue an injunction to enforce any such order.

S. J. Court may enforce orders.

SECTION 14. Every such order of the board of health, lunacy and charity shall be made in writing and served by any person competent to serve a notice in a civil suit personally upon the person found guilty of violation as aforesaid, or his authorized agent, or a copy of the order may be left at the last and usual place of abode of such person or his agent, if he has any such place of abode within the state known to the officer. If the residence of the owner or agent is unknown to the officer, or without the state, the order may be served by publication in one or more newspapers in such manner and for such time as said board may order. Any party aggrieved by any such order shall have the right of appeal to a jury and be subject to the fifty-sixth and fifty-eighth sections of the twenty-sixth

Order to be in writing.

Service of order.

Right of appeal to a jury.

chapter of the General Statutes, and the two hundred and sixty-third chapter of the laws of the year eighteen hundred and sixty-five. During the pendency of the appeal the pollution against which the order has issued shall not be continued contrary to the order, and upon any violation of the same the appeal shall be forthwith dismissed.

Jurisdiction of
S. J. C. in
equity.

SECTION 15. Nothing herein before contained shall be construed to exclude the jurisdiction of the supreme judicial court sitting in equity according to the usual course and practice of such court.

Subject to
acceptance.

SECTION 16. This act shall be void unless accepted by the city council of each of said cities within thirty days from the date of the passage hereof.

Approved May 6, 1881.

[Accepted by Cambridge June 3, 1881.]

[1881, 232.]

Chap. 241

AN ACT to incorporate the Forbes Library in Northampton.

Be it enacted, etc., as follows:

Trustees of the
Forbes Library
incorporated.

SECTION 1. George W. Hubbard and Oscar Edwards, appointed by the probate court trustees for the time being under the will of the late Charles E. Forbes of Northampton, are hereby made a corporation by the name of the "Trustees of the Forbes Library," and said trustees their associates and successors in office shall continue a body corporate for the purposes hereinafter set forth, with all the powers and privileges and subject to all the duties, restrictions and liabilities in the general laws relating to such corporations. And the said Hubbard and Edwards shall hold office as such incorporated trustees until their substitutes and successors are elected in the manner hereinafter provided and shall assume their offices.

Real and per-
sonal estate not
to exceed
\$800,000.

SECTION 2. The said corporation shall have authority to take and hold real and personal estate to an amount not exceeding eight hundred thousand dollars, including all the real and personal estate and the proceeds thereof bequeathed and devised by said Forbes for the establishment and maintenance of a library in said Northampton, and any and all real and personal estate which may be otherwise given, granted, bequeathed and devised to said corporation or to said town of Northampton for the use and benefit of said library.

Town may elect
a trustee or
trustees, upon

SECTION 3. The legal voters of the town of Northampton may, at any annual or special town meeting called for

the purpose after the passage of this act, vote to accept the same, as also the provisions and bequests of said will upon the terms and conditions prescribed therein; and at the same or any future meeting within the time limited by said will, articles being inserted in the warrant for that purpose, it shall be lawful for the town to determine by vote whether, in the exercise of the option authorized by said will, it will elect one or three trustees to have the superintendence and management of the affairs of said corporation; and when said option is determined it may, at the same or a future meeting, proceed to the election, by ballot, of a single trustee, or of three trustees, according as the town shall have predetermined by its vote; and upon the election of said trustee or trustees the same shall hold office until his or their successors shall have been respectively elected and qualified as hereinafter provided, or until a vacancy in office shall occur through the resignation, death or removal from office of any trustee; and the said town, at the same meeting when this act is accepted or at a future meeting within the time limited by said will, an article being in the warrant for that purpose, may determine whether it will direct the trustees holding office by appointment of the probate court to permit the whole sum appropriated by said will for library purposes to accumulate for a term not exceeding ten years, and for what term, as authorized by said will, in order to increase the amount available as a building fund; also, at the same or any future meeting, the said town may determine and direct as to any other matter or thing which it is competent for the town to determine, direct and do, under an article in the warrant therefor, by way of carrying into effect the provisions of said will, and in anticipation of the time when the trustees appointed by the probate court shall convey to the trustee or trustees elected by the town, the real, personal and mixed estate held by the former for the uses and purposes of said library.

acceptance of
act.

To determine
for what term
of years the
bequest shall
accumulate.

SECTION 4. If said town, in the exercise of its option before referred to, shall elect to have but one trustee, the name of said corporation shall be "The Trustee of the Forbes Library"; and whether the town shall elect one or three trustees, no trustee shall receive any pecuniary compensation for his services.

Name of corpo-
ration if but one
trustee is
elected.

SECTION 5. If said town shall elect one trustee only

Trustees to

serve for three
years.

to have the superintendence and management of the affairs of said corporation, said trustee shall hold office for the term of three years from the first Wednesday in May next after said trustee shall have been elected, and once in three years thereafter at the annual town meeting holden next before his term expires, his successor shall be chosen in his stead. If however said town shall in its option determine to elect three trustees, said trustees shall be elected, one to serve for the term of three years from the first Wednesday in May next after said election, one other for two years, and the third for one year from the same date; and annually, at the annual town meeting in each year after said first election, a trustee shall be elected for three years to succeed the trustee whose term is then next to expire.

Vacancy in
office of trustee.

SECTION 6. In case a vacancy shall occur in the office of any trustee chosen by the town, whether occasioned by resignation, death, removal from office, or from any other cause, the town may at any meeting called for the purpose choose another trustee who shall hold office for the residue of the unexpired term.

Town to elect
secretary, treas-
urer, etc., and
fix their com-
pensation.

SECTION 7. The said town of Northampton is hereby further authorized at any annual or special meeting legally notified and warned, to elect a secretary and treasurer of said corporation, and all other agents and employes therein, and to remove the same at their pleasure; to fix the compensation of each; to establish all necessary rules and regulations for the library, and generally to control all the affairs of the corporation; but in the absence of action on the part of the town the trustee, or a majority of the trustees elected by the town in accordance with the provisions of this act, being first duly sworn to a faithful discharge of the duties of their office, shall have the general superintendence and management of the affairs of the corporation. shall appoint the librarian and other employes in the library, and fix the compensation of each, and shall have power to remove any one of them for sufficient cause; they shall also have power to remove the treasurer whenever in their judgment the safety of the corporation funds requires his removal, and may appoint a treasurer *pro tempore* to continue in office until the town have opportunity to act upon the subject. They shall further do all things enjoined upon them by said will, and generally shall have all the powers of the town, had the town chosen to exercise

them, except the election of trustees, and of the secretary and treasurer of the corporation; and the secretary and treasurer of said corporation, elected as herein before provided, shall each take the oath prescribed in said will, and said treasurer shall give bonds as therein required, and they shall respectively perform all the duties enjoined upon them by said will.

Secretary and treasurer to be sworn.

Treasurer to give bonds.

SECTION 8. This act shall take effect upon its acceptance by the town of Northampton at a town meeting duly called, and by a vote duly passed and recorded.

Subject to acceptance by the town.

Approved May 6, 1881.

[Accepted May 31, 1881.]

[1870, 26.]

AN ACT repealing An Act to authorize the Construction of a Bridge over Green Harbor River, in Marshfield.

Chap. 244

Be it enacted, etc., as follows:

SECTION 1. Chapter twenty-six of the acts of the year eighteen hundred and seventy is hereby repealed.

Repeal of 1870, 26.

SECTION 2. This act shall take effect upon its passage.

Approved May 7, 1881.

AN ACT to confirm the Action of the Town of Belmont granting Three Thousand Dollars for a Public Park.

Chap. 260

Be it enacted, etc., as follows:

SECTION 1. The action of the town of Belmont on the twentieth day of April in the year eighteen hundred and eighty-one, whereby it voted to appropriate and grant three thousand dollars for a public park, is hereby ratified and confirmed.

Action of town confirmed.

SECTION 2. This act shall take effect upon its passage.

Approved May 11, 1881.

[1876, 184.]

AN ACT relating to the Appointment of Constables for certain Municipal Courts in the City of Boston.

Chap. 261

Be it enacted, etc., as follows:

SECTION 1. There shall be one constable in each of the municipal courts of the East Boston, Dorchester, West Roxbury, and Brighton districts; and two constables in each of the municipal courts of the South Boston, Charlestown, and Roxbury districts, to be appointed by the standing justices of said courts. Said constables of the municipal

Constables for certain municipal courts.

Salaries. courts of the South Boston, East Boston, and Roxbury districts shall be paid a salary of one thousand dollars each per year and at the same rate for any part of a year. Said constables of the municipal courts of the West Roxbury, Charlestown, Dorchester, and Brighton districts shall be paid a salary of eight hundred dollars each per year and at the same rate for any part of a year.

SECTION 2. This act shall take effect upon its passage.

Approved May 11, 1881.

[1876, 7.]

Chap. 265 AN ACT in relation to the Bridge of the Boston and Maine Railroad over the Merrimack River at Haverhill.

Be it enacted, etc., as follows :

Construction of bridge to conform to plan of commissioners.

SECTION 1. The Boston and Maine Railroad is hereby required, within six months from the passage of this act, to make the construction of its bridge over the Merrimack River conform to the plan of the same approved by the harbor and land commissioners on the twentieth day of January in the present year and now on file in the office of said commissioners, or to such plan as shall hereafter be approved by said commissioners.

Draw to be constructed when ordered by commissioners.

SECTION 2. Whenever in the opinion of the board of harbor and land commissioners and of the board of railroad commissioners a draw is required in said bridge, said railroad company shall, upon the joint order of the said two boards within one year after such order, construct and thereafter maintain a suitable draw in said bridge, constructed in all respects to the approval of said board of harbor and land commissioners.

Approved May 12, 1881.

Chap. 267

AN ACT to incorporate the Lexington Water Company.

Be it enacted, etc., as follows :

Corporators.

SECTION 1. Moses Joy, junior, Benjamin F. Brown, George O. Whiting, Hammond Reed and Leonard A. Saville, their associates and successors, are hereby made a corporation by the name of the Lexington Water Company, for the purpose of furnishing the inhabitants of Lexington with pure water for the extinguishment of fires and for domestic and other purposes, with the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force regulating such corporations

Name and purpose.

Powers and duties.

SECTION 2. Said corporation may for the purposes aforesaid take, hold and convey through the town of Lexington, or any part thereof, the water, so far as may be necessary for the purpose, of any spring or springs situated within thirty rods of the Lincoln road, and on the southerly side thereof, at the foot of Concord hill, but not northerly of Concord road, and shall not take the waters of Vine Brook; and may take and hold by purchase or otherwise, within the area aforesaid, for the purpose of utilizing the springs therein and for the preservation and purity of the same, any portion of the real estate there lying and being, but shall take no part of said Vine Brook; and may take and hold also so much other real estate lying and being on the northerly side of said Lincoln road between said road and the Concord road in said town, as may be required for forming any dams or reservoirs, to hold the same, and such other real estate in said town as may be necessary for laying and maintaining aqueducts and pipes for distributing the water so taken and held; and may lay its water pipes through any private lands, with the right to enter upon the same and dig therein for the purpose of making all necessary repairs or service connections; and for the purposes aforesaid may carry its pipes over or under any water course, street, railroad, highway or other way, in such manner as not unnecessarily to obstruct the same; and may, under the direction of the board of selectmen, enter upon and dig up any road or other way for the purpose of laying or repairing its aqueducts, pipes or other works; and in general may do any other acts and things convenient and proper for carrying out the purposes of this act.

May take certain waters and convey the same through town of Lexington.

May take land.

May dig up roads.

SECTION 3. Said corporation shall, within sixty days after the taking of any land under the provisions of this act otherwise than by purchase, file in the registry of deeds of the southern district of Middlesex County a description of any land so taken, sufficiently accurate for identification, with a statement of the purposes for which it is so taken; and the title to land so taken shall vest in said corporation. Any person or corporation injured in property by any acts of said corporation, and failing to agree with said corporation as to the amount of damages, may have the same assessed and determined in the manner provided when land is taken for highways; but no application shall be made to the county commissioners for the assessment of

A description of the land taken to be filed in registry of deeds.

Assessment of damages.

damages for the taking of water rights until the water is actually taken and diverted by said corporation. Any person whose water rights are thus taken or affected may apply as aforesaid within three years from the time the water is actually withdrawn or diverted, and not thereafter; and no suit for injury done under this act shall be brought after two years from the date of the alleged receipt of injury.

May fix water rates.

SECTION 4. Said corporation may distribute the water through said Lexington; may establish and fix from time to time the rates for the use of said water, and collect the same; and may make such contracts with the town of Lexington, or with any fire district, or with individuals or corporations, to supply water for fire or for other purposes, as may be agreed upon by said town or fire district or individuals or corporations and said corporation.

Real and personal estate, and capital stock.

SECTION 5. Said corporation, for the purposes set forth in this act, may hold real and personal estate not exceeding in amount thirty thousand dollars; and the whole capital stock shall not exceed sixty thousand dollars, to be divided into shares of fifty dollars each.

Penalty for diverting water or rendering it impure.

SECTION 6. If any person shall use any of said water taken under this act without the consent of said corporation, or shall wantonly or maliciously divert the water or any part thereof so taken, or corrupt the same or render it impure, or destroy or injure any dam, aqueduct, pipe, conduit, hydrant, machinery or other works or property held, owned or used by said corporation under the authority of and for the purposes of this act, he shall forfeit and pay to said corporation three times the amount of damages assessed therefor, to be recovered in an action of tort; and, on conviction of either of the wanton or malicious acts aforesaid, may be punished by a fine not exceeding three hundred dollars, or by imprisonment in jail not exceeding one year.

May issue bonds and secure by mortgage.

SECTION 7. The Lexington Water Company may issue bonds and secure the same by a mortgage on its works, structures, equipments, franchise and other property, real or personal, to an amount which shall not exceed the capital stock of said company actually paid in and applied to the construction or completion of said Lexington Water Company's works.

Town may purchase corporate property and rights.

SECTION 8. The town of Lexington shall have the right, at any time during the continuance of the charter

hereby granted, to purchase the corporate property and all the rights and privileges of said company, at a price which may be mutually agreed upon between said corporation and the said town of Lexington; and the said corporation is authorized to make sale of the same to said town. In case said corporation and said town are unable to agree, then the compensation to be paid shall be determined by three commissioners to be appointed by the supreme judicial court upon application of either party, and notice to the other, whose award, when accepted by the said court, shall be binding upon both parties. And this authority to purchase said franchise and property is granted on condition that the same is assented to by said town by a two-thirds vote of the voters present and voting thereon at a meeting called for that purpose; the number of meetings called for that purpose in any one year not to exceed two.

Subject to assent
of town by a
two-thirds vote.

SECTION 9. This act shall be null and void unless said corporation shall within two years from the passage hereof avail itself of its provisions, and commence a prosecution of the work herein authorized.

Work to be
commenced
within two
years.

SECTION 10. The owners of lands and water rights taken under this act, and the owners of land entered upon for the purpose of laying pipes or digging therein for the purpose of making repairs or service connections, upon application by either party for an estimate of damages, may require said corporation to give security, satisfactory to the board of selectmen of said town, for the payment of all damages and costs which may be awarded to them for the land or other property taken, or for the entry for the purposes aforesaid. And if, upon petition of the owner with notice to the adverse party, the security appears to the selectmen of said town to have become insufficient, they shall require said corporation to give further security to their satisfaction, and all the right or authority of the corporation to enter upon or use said land and other property, except for making surveys, shall be suspended until it gives the security required.

Security to be
given for pay-
ment of dam-
ages.

SECTION 11. This act shall take effect upon its passage.

Approved May 12, 1881.

[1864, 104; 1867, 269; 1870, 155; 1871, 361; 1876, 66, 232.]

Chap. 268 AN ACT in Addition to the Acts to supply the City of Worcester with Pure Water.*Be it enacted, etc., as follows :*May take waters
of Tatnuc
Brook.

SECTION 1. The city of Worcester is hereby authorized to take and convey into and through said city the waters of Tatnuc Brook or of any reservoir thereon, and the waters flowing into the same, and to take and hold any land, and build and maintain any structures, necessary for said purpose.

Powers and
duties.

SECTION 2. The rights, powers and authority given by this act shall be exercised by the city of Worcester by the same officers as the rights, powers and authority given by the one hundred and fourth chapter of the acts of the year eighteen hundred and sixty-four are exercised by, and the said city shall be entitled to all the rights and subject to all the duties and liabilities set forth in the three hundred and sixty-first chapter of the acts of the year eighteen hundred and seventy-one, to be enforced in the manner provided in said chapter.

May borrow
money, not
exceeding
\$500,000.

SECTION 3. For the purpose of defraying all costs and expenses incident to the acts herein authorized, including the payment for land and water rights taken, the city council shall have authority to borrow, from time to time, such sums of money, and to issue notes, bonds, or certificates therefor, to be denominated on the face thereof "Worcester Water Scrip," as they shall deem necessary, to an amount not exceeding five hundred thousand dollars, upon the same terms and conditions, and with the same authority in regard to interest, and the sale of said scrip, and the payment of the principal thereof, and the appropriation and assessment of money for the payment of the principal and the interest on the moneys so borrowed, as are contained in the fifth section of the one hundred and fourth chapter of the acts of the year eighteen hundred and sixty-four.

Subject to
acceptance by
city council
within six
months.

SECTION 4. This act shall not take effect unless within six months from its passage it is accepted by the city council of the city of Worcester; and upon such acceptance the rights heretofore granted by the legislature to the city of Worcester to take the waters of Kettle Brook in the town of Leicester shall thereupon cease and determine.

Approved May 12, 1881.

[Accepted July 11, 1881.]

AN ACT to authorize the Establishment and Maintenance of a Dog Shelter by the Society for the Prevention of Cruelty to Animals, in the City of Boston. *Chap. 278*

Be it enacted, etc., as follows:

SECTION 1. The board of aldermen of the city of Boston may authorize the Society for the Prevention of Cruelty to Animals to establish and maintain in said city a shelter for the detention of unlicensed or stray dogs which may be seized under the provisions of this act, and may make any necessary agreement with said society for the reception, sheltering, keeping and feeding, or humane killing or otherwise disposing of such dogs: *provided, however*, that no such shelter shall be established or maintained when an adjoining owner objects thereto.

Dog shelter may be authorized in Boston.

SECTION 2. The mayor of said city shall annually, within ten days from the first day of July, issue a warrant to one or more police officers, or any officer of said Society for the Prevention of Cruelty to Animals, directing them to proceed forthwith to seize and deliver at such shelter all dogs found running at large within said city of Boston, not licensed and collared according to law, and to enter a complaint against the owners or keepers thereof. Such officers, other than those under regular pay from said city, shall receive one dollar from the treasurer of said city for each dog so taken and delivered as aforesaid. And all bills for such service shall be approved as provided in section seven of chapter one hundred and thirty of the acts of the year one thousand eight hundred and sixty-seven.

Dogs running at large to be seized, and delivered at shelter.

SECTION 3. Every dog so taken and received by such shelter, as herein before provided, shall be there kept and provided with suitable food, and the owner thereof may redeem the same at any time within five days, by proving title to said dog, by showing that the same has been duly licensed according to law, and by paying the fee fixed by the aldermen of said city. At the expiration of five days said society may cause said dog to be humanely killed, or, upon the payment of the license fee required by law, it may sell or otherwise dispose of the same.

Dogs to be kept five days, and if not reclaimed to be humanely killed.

SECTION 4. For keeping and sheltering any dog, under the provisions of this act, said society shall not be liable to pay any license fee, nor shall it be liable for keeping any dog at such shelter which is unlicensed.

Not required to pay license fee for sheltering dog.

SECTION 5. The aldermen of said city shall have the power to prescribe the price at which any dog taken and

Aldermen to fix price for redemption of dog.

kept in such shelter may be redeemed by the owner thereof; and all moneys received by said society for the redemption and sale of any dogs kept at such shelter shall be paid to the treasurer of said city.

Approved May 13, 1881.

Chap. 279

Gloucester
Street Railway
Incorporated.

AN ACT to incorporate the Gloucester Street Railway Company.
Be it enacted, etc., as follows:

SECTION 1. Henry A. Burnham, Joseph J. Burns, Francis W. Homans, Robert Tarr, their associates and successors, are made a corporation under the name of the "Gloucester Street Railway Company;" with authority to construct, maintain and operate a street railway, beginning at some point on East Main Street, East Gloucester, running through the streets of the city to Magnolia in ward eight, and Riverdale, Annisquam, Bay View and Lanesville in ward seven or any part thereof, the same to be constructed within five years from the passage of this act; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force relating to street railways.

Gauge of three
feet.

SECTION 2. The Gloucester Street Railway Company is hereby granted power to build its tracks of a uniform gauge of three feet.

May construct
branches.

SECTION 3. The said company shall have authority to construct and maintain branches to the depot of the Eastern Railroad and to such other points as it shall be for the interest of the company so to do.

Capital stock.

SECTION 4. The capital stock of said corporation shall not exceed one hundred and fifty thousand dollars.

SECTION 5. This act shall take effect upon its passage.

Approved May 13, 1881.

Chap. 280

AN ACT to change the Name of the Massachusetts Mutual Insurance Company.

Be it enacted, etc., as follows:

Name changed.

SECTION 1. The Massachusetts Mutual Insurance Company, doing business in Boston, may by vote of a majority of those of its members who shall be present and voting at a meeting duly called for the purpose, change its corporate name to Massachusetts Mutual Fire Insurance Company.

SECTION 2. This act shall take effect upon its passage.

Approved May 13, 1881.

AN ACT to confirm the Organization of the Evangelical Lutheran Trinity Church of the Unaltered Augsburg Confession, in Boston. *Chap. 281*

Be it enacted, etc., as follows:

SECTION 1. The organization of the Evangelical Lutheran Trinity Church of the unaltered Augsburg Confession, located on Parker Street in Boston, with all acts done thereunder, which religious societies may lawfully do, are hereby confirmed. Doings confirmed.

SECTION 2. This act shall take effect upon its passage.

Approved May 13, 1881.

AN ACT to supply the Village of Chicopee Falls in Chicopee with Pure Water. *Chap. 282*

Be it enacted, etc., as follows:

SECTION 1. The Chicopee Falls fire district in the town of Chicopee is hereby authorized to supply its inhabitants with pure water to extinguish fires, and for domestic and other purposes; and may establish public fountains and hydrants, and regulate their use, and may fix and collect rents and make regulations for the use of such water. Water supply for Chicopee Falls fire district.

SECTION 2. Said district, for the purposes aforesaid, may enter into contracts with any corporation or person to furnish pure water by means of force pumps or other machinery, and may construct reservoirs, and lay down conduits, pipes and drains under or over any water course, and along any street, highway or other way in said district in such manner as not to obstruct the same; and for the purpose of constructing reservoirs and laying down, maintaining and repairing such reservoirs, conduits, pipes and drains, and for all other proper purposes of this act, may dig up any such street, highway or other way; but all things done upon any street, highway or other way shall be subject to the direction of the selectmen of said town. May make contracts for supply of water.

SECTION 3. Said district shall be liable to pay all damages sustained by any person on his property by any act done under the authority herein given. If any person sustaining damages as aforesaid cannot agree with said district upon the amount of such damages, he may have the same assessed by the county commissioners of the county of Hampden by making a written application therefor within one year after sustaining such damages; and either party aggrieved by the doings of said commissioners in the estimation of said damages may have the same determined by a jury; and the said commissioners and jury shall have the May dig up streets.
Liability for damages.

same power, and the proceedings shall in all respects be conducted in the same manner, as provided in case of taking land for highways.

Powers may be exercised by agents.

SECTION 4. The rights, powers and privileges hereby granted may be exercised by such officers, agents and servants as such fire district shall elect or employ, who shall act in accordance with the votes of said fire district.

District made a body corporate.

SECTION 5. Said district is hereby made a body corporate so far as to accomplish the purposes of this act, and to prosecute and defend in all actions relating to the property and affairs of said district.

Subject to acceptance.

SECTION 6. This act shall take effect upon its acceptance by a two-thirds vote of the legal voters of said fire district.

Approved May 13, 1881.

[Accepted June 6, 1881.]

Chap. 283

AN ACT relative to Abandoned Animals.

Be it enacted, etc., as follows :

Abandoned animal may be killed, if appraised value does not exceed five dollars.

SECTION 1. Any officer or agent of the Massachusetts Society for the Prevention of Cruelty to Animals may take charge of any animal found abandoned within this Commonwealth, that may appear to be diseased or disabled beyond recovery for any useful purpose, and such officer shall, as early as may be, cause such animal to be appraised by two reputable citizens, to be duly sworn, who shall view the same in his presence and determine its value, and if the appraised value of the same shall not exceed five dollars, such officer may at once kill, or cause to be killed, said animal in a humane manner.

Owner to be paid, unless killing was made necessary by cruelty, etc.

SECTION 2. And said society whose officer or agent shall kill or cause to be killed any animal so taken and appraised, shall be indebted to the owner for the amount of its value, except where the death of the animal was rendered necessary by the wilful abandonment or cruelty of the owner as determined by the appraisers; and the appraisers shall be paid by said society a reasonable compensation for their services.

Compensation of appraisers.

SECTION 3. This act shall take effect upon its passage.

Approved May 13, 1881.

Chap. 288

AN ACT to incorporate the East Boston Railway, Dock and Elevator Company.

Be it enacted, etc., as follows :

Corporators.

SECTION 1. Isaac Pratt, junior, John M. Clark, Edwin Wright, Nelson Curtis, Edward G. Nickerson, Mark Goo-

gins, Albert Bowker, their associates and successors, are hereby made a corporation by the name of the East Boston Railway, Dock and Elevator Company, to be established in the city of Boston, with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in all the general laws which now are or hereafter may be in force relating to all similar corporations organized under the general laws of this Commonwealth, and in all the general railroad laws so far as the same may be applicable, except so far as otherwise especially provided by this act.

SECTION 2. Said corporation is hereby authorized to construct and maintain docks, wharves, elevators, warehouses and other buildings and structures suitable for terminal facilities for the reception, storing and delivering and forwarding of freight to be received or sent by any railway or vessel, and shall receive and store at reasonable rates and under reasonable regulations, and so far as their capacity will admit, all freights that shall be offered to said company by any railroad or ship owner, and shall make no discrimination for or against any railroad corporation or any ship owner desiring to do business on its premises. Also to transact all such business as is usually performed by persons or corporations engaged in receiving, storing or forwarding freight at the seaboard; and for that purpose may be appointed public warehouseman pursuant to the laws of the Commonwealth, but shall not be authorized to carry on the business of buying and selling merchandise.

SECTION 3. Said corporation, for the purposes set forth in the preceding sections may, at any time within two years from the passage of this act, take and hold by purchase or otherwise any or all that parcel of land and real estate, with the wharves, docks and buildings thereon, lying between the harbor or commissioners' line, so called, and Border and Condor Streets in East Boston, and between Meridian Street and the bridge built in continuation thereof to Chelsea, and a line which is the northerly boundary line of the wharf estate of Theodore Lyman and H. S. Russell, trustees for the heirs of G. Howland Shaw, lying north of the wharf estate of William L. Sturtevant, from said Border Street to said commissioners' line, and may purchase and hold as far as the northerly boundary line of the wharf estate of William L. Sturtevant. Said

Name.

Powers and duties.

May construct wharves, elevators and warehouses.

May be appointed public warehouseman.

May take certain land in East Boston.

corporation may also purchase and hold such other lands and wharves in that part of East Boston known as the third section (north of Condor Street), or in the fourth section, or in that part of Chelsea adjoining or near to said fourth section, as may be required for standing room for cars, cattle yards and other purposes connected with, or incidental to, the carrying on of the business of said corporation.

May lay and maintain railroad tracks.

May take land necessary for the purpose.

May connect tracks with other railroads.

SECTION 4. Said corporation may lay and maintain railroad tracks upon any of its lands, wharves or terminal grounds, and may, with the consent of, and in the method and under the conditions imposed by the board of aldermen of the city of Boston, and with the consent of the board of railroad commissioners, connect the same with the tracks of any railroad corporation or corporations which shall at any time have, or be authorized to have or lay, tracks in any street or over any lands or wharf adjoining the lands of this corporation, for the purpose only of connecting its property directly with any railroad located, or which may be hereafter located, in that part of East Boston known as the fourth section, said corporation may take and hold by purchase or otherwise such land and real estate as may be necessary therefor; and for such purpose may also lay tracks to be operated by steam power in such streets as the board of aldermen of the city of Boston may permit, and subject to such regulations and conditions as said board may prescribe, and with the consent in the method and under the conditions prescribed by said board of aldermen and with the consent of said board of railroad commissioners, may connect their said tracks with or cross them over the tracks of any railroad corporation or corporations which now have or shall at any time have or be authorized to have or lay tracks in said East Boston; and all the tracks above authorized to be laid may be operated by steam power by the corporation hereby created, or by any connecting railroad company; and all the tracks authorized by this act to be operated by steam power, shall be operated according to the provisions of the general railroad act of the year eighteen hundred and seventy-four, and all acts heretofore or hereafter passed in amendment thereof. It shall be the duty of each railroad corporation whose railroad shall be connected with the tracks of this corporation, as aforesaid, either directly or over intervening road or roads, to

receive and deliver freight cars at each of said connections, and to draw the same over its road at rates to be established according to the provisions of said general railroad act and any amendment thereof or addition thereto regulating the use and operation of connecting railroads. In making such connections this corporation shall have all the powers, and be subject to all the duties, so far as applicable thereto, set forth in said act, amendments and additions in respect to connecting railroads.

Connecting railroads to receive and deliver freight cars.

SECTION 5. Said corporation shall, within sixty days from the time it takes any land otherwise than by purchase, file in the office of the registry of deeds for the county of Suffolk a description of each parcel of land so taken, as certain as is required in a common conveyance of land, together with a statement of the purpose for which the lands are taken, which description and statement shall be signed by the president of the corporation: *provided, however*, that no land or tracks of any railroad corporation shall be taken or interfered with, except for the connection and crossings permitted by this act, without its consent. But any railroad corporation having tracks in any street or location adjacent to the lands of the corporation hereby created may, by agreement with said corporation, under the limitations of this act, re-locate its tracks either upon the lands of said corporation or upon other lands, if any, belonging to such railroad corporation as may be necessary for connections with the tracks of said corporation.

A description of the land taken, to be filed in the registry of deeds.

SECTION 6. When any real estate or other property shall be taken under the provisions of this act, said corporation shall pay all the damages occasioned thereby; and said damages shall in case the parties fail to agree upon the same be determined and recovered in the manner provided in the general laws in respect to land and real estate taken by railroad corporations for the location and making of their railroads, or for depot and station purposes: *provided*, that any person or persons or corporation, any part or portion of whose lands lying in the same body shall be taken by said corporation under this act, shall be entitled to surrender, by tender of a good and sufficient deed thereof to said corporation, the residue of their said land within six months from said taking, and in that case to recover the damages occasioned by taking the whole of said parcel in the manner herein before provided.

Relocation of tracks for purpose of making connections.

Payment of damages.

Proviso.

Capital stock
and shares.

SECTION 7. The capital stock of said corporation shall not be less than two hundred and fifty thousand dollars, nor more than two million dollars, to be fixed and increased as may be necessary from time to time by vote of the corporation, and shall be divided into shares of the par value of one hundred dollars each; but said corporation shall not take any land, or begin the transaction of business, until the whole amount of the capital stock as then fixed shall have been paid in, in cash, agreeably to the provisions of the general laws relative to corporations organized under the laws of the Commonwealth, and a certificate thereof filed in the office of the secretary of the Commonwealth as required by statutes of eighteen hundred and seventy, chapter two hundred and twenty-four, section thirty-two.

Certain corpo-
rations and com-
panies may take
and hold stock.

SECTION 8. Any railroad corporation within or without the Commonwealth, owning a railroad the tracks of which connect either directly or over intervening tracks with any railroad having its location in East Boston; any steamship company engaged in the carriage of freight between the port of Boston and any foreign port; any incorporated land transportation company, and the East Boston Company,—may subscribe for and hold stock in said East Boston Railway, Dock and Elevator Company, and in such case may be represented and vote at all meetings of said last named corporation by its president or any agent appointed by its board of directors for that purpose.

May issue bonds
and secure by
mortgage.

SECTION 9. Said corporation may issue its bonds and secure them by mortgage of its property and franchise, to any amount not exceeding two-thirds of its capital stock then paid in.

SECTION 10. This act shall take effect upon its passage.

Approved May 13, 1881.

[1876, 150.]

Chap. 289 AN ACT making Appropriations for the Double Tracking and Improvement of the Troy and Greenfield Railroad and Hoosac Tunnel.

Be it enacted, etc., as follows:

Appropriations
for double
tracking rail-
road and tunnel.

SECTION 1. The sums hereinafter mentioned, to be expended under the direction of the governor and council, are appropriated, to be paid from the ordinary revenue unless otherwise ordered, for the double tracking and improvement of the Troy and Greenfield Railroad and Hoosac Tunnel:— For telegraph construction purposes, a sum not

Appropriations

exceeding two thousand dollars, to be paid from the Troy and Greenfield Railroad fund, the excess if any from the revenue. For extension of side tracks and extension of yard at North Adams, a sum not exceeding eighty-four thousand dollars. For stone ballast in the tunnel, a sum not exceeding two thousand dollars. For fifty feet of arching in the little tunnel, a sum not exceeding eight thousand five hundred dollars. For four iron plate girder bridges, a sum not exceeding four thousand dollars. For fencing, a sum not exceeding five hundred dollars. For one locomotive, a sum not exceeding six thousand dollars. For one steam shovel, a sum not exceeding seven thousand five hundred dollars. For dump cars, a sum not exceeding ten thousand dollars. For double tracking any portion of the Troy and Greenfield Railroad east of the eastern portal of the Hoosac Tunnel, a sum not exceeding two hundred thousand dollars.

for telegraph,
steam shovel,
locomotive, etc.

SECTION 2. This act shall take effect upon its passage.

Approved May 13, 1881.

[1878, 243; 1879, 163; 1880, 225; 1881, 221.]

AN ACT in Relation to Elections in the City of Boston.

Chap. 291

Be it enacted, etc., as follows:

SECTION 1. In each voting precinct in the city of Boston there shall be the following election officers, that is to say:—The mayor at some time before the first day of October in each year, shall with the approval of the board of aldermen appoint for each voting precinct one warden, one deputy warden, one clerk, one deputy clerk, two inspectors and two deputy inspectors, qualified voters in the ward of which each precinct forms a part, who shall be men of good repute and standing, and shall equally represent each of the two leading political parties. Each of said officers shall be sworn to the faithful performance of his duties, and shall hold office for one year from said first day of October in the year in which he is appointed and until a successor is appointed or he is removed. Either of said officers may be removed at any time by the mayor, with the approval of the board of aldermen, upon written charges of incompetence or official misconduct, preferred either by the city clerk or by not less than six qualified voters of the ward in which the officer is appointed to act. In case of any vacancy occurring before the first day of November in any year, or in case either of said officers

Certain officers
to be appointed
for each voting
precinct.

Officers to
be sworn.

May be removed
for cause.

Vacancies.

To be sworn.

If warden, clerk, etc., are absent, officers to be elected by hand vote.

Supervisors at elections to be appointed, upon petition of voters.

shall decline to act and shall give notice thereof to the city clerk on or before said first day of November, the mayor with the approval of the board of aldermen shall appoint some person of good repute and standing to fill said office; and in making such appointment it shall be his duty to preserve the just and equal representation of the two leading political parties in the precinct offices. Every person so appointed shall be sworn to the faithful discharge of his duties. In case of a vacancy in the office of warden, clerk or inspector of a precinct on the day of any election, the person appointed as deputy of said warden, clerk or inspector shall act in his place, and shall have the same powers and be subject to the same duties and liabilities as the officer for whom he acts. No deputy precinct officer shall have power to act in any official capacity, or while the polls are open, or during the counting of the votes, be admitted to the space reserved for the precinct officers, except while filling a vacancy as aforesaid; and he shall receive no compensation, except for attendance at the opening of the polls, or for services while acting for the officer whose place he fills. In case the warden and deputy warden, or the clerk and deputy clerk, or one of the inspectors and his deputy are absent at the time designated for the opening of the polls on the day of any election, a suitable person shall be elected by the voters of said precinct, by nomination and hand vote, with full power to act for the time being in place of the absent officer. The wardens, clerks and inspectors appointed by the mayor or otherwise, as herein provided, shall have the same powers and, except as otherwise provided, be subject to the same duties and liabilities as the wardens, clerks and inspectors now holding office in said city.

SECTION 2. Upon the petition in writing of ten qualified voters of the city of Boston, presented to the mayor at least fourteen days before any election of state, county or municipal officers, he shall appoint, subject to the approval of the board of aldermen, for each voting precinct, two citizens, residents of said city, to act as supervisors at the said election of state, county or municipal officers. Said supervisors shall be appointed from each of the two leading political parties, and shall serve without compensation. Said supervisors shall attend at the several precincts for which they are appointed, and, while the polls

are open, shall occupy such a position near and in view of the ballot boxes, but outside of the space occupied by the precinct officers, as the warden may designate. After the polls are closed the said supervisors shall be admitted within the enclosed space occupied by the precinct officers, and shall witness the counting of the ballots and the delivery of the check lists and ballots to the officers designated to receive the same; and they shall, within twenty-four hours after the closing of the polls, send to the city clerk, upon a form provided for that purpose, a certificate of the fact of their attendance at the polls, and a statement of the manner in which the election was conducted, together with such other information as the city clerk may require.

Duties.

SECTION 3. The city clerk shall send to the officers of each precinct, before the opening of the polls on every election day, such stamps and ballot boxes as may be approved by the board of aldermen. No ballot shall be removed from the ballot box in any precinct while the polls are open, and the ballots, upon the closing of the polls, shall be counted by the precinct officers in the presence of the supervisors. Nothing herein contained shall exclude the voters of the precinct while the ballots are being counted. Immediately after the closing of the polls the precinct officers shall cause the check lists in their respective precincts to be sealed up and delivered to a police officer, who shall convey the same forthwith to the office of the city clerk. After the ballots have been counted they shall be sealed up in an envelope, as now provided by law, or in the ballot boxes if the board of aldermen shall so direct; and such envelopes or boxes shall then be endorsed as now provided by law, and shall forthwith be delivered to a police officer, who shall convey the same without delay to the office of the city clerk. The board of aldermen may pass such regulations in regard to the use of the stamps and ballot boxes, and the manner of receiving, counting and returning the votes, as they may deem expedient, provided such regulations are not inconsistent with the provisions of law; and if any person wilfully neglects or refuses to comply with any of such regulations, he shall be punished by a fine not exceeding one hundred dollars, or by imprisonment in the house of correction not exceeding six months.

Ballot boxes and stamps.

Ballots to be sealed up.

Regulations to be observed, under penalty.

SECTION 4. It shall be the duty of the superintendent

Police officers.

to be present at
voting places.

or other chief executive officer of the police force of said city, under the direction of the police commissioners, to detail a sufficient number of police officers, not less than two for each voting precinct, who shall be stationed at such voting precincts on the day of election, to preserve order and to protect each and all of said election officers and supervisors from any interference with, or obstruction in, the performance of their respective duties.

Penalty for neg-
lect of official
duty, and for
obstructing
officer in per-
formance of
duty.

SECTION 5. Whoever wilfully obstructs any officer mentioned in this act in the performance of his duties, and whoever being an election officer named in this act shall wilfully or negligently violate any of the provisions of this act, or of any act of which this is an amendment, or to which it is an addition, or of any act in addition thereto and in amendment thereof, he shall for each offence be punished by a fine of not less than twenty nor more than two hundred dollars, or by imprisonment in the house of correction for a term not exceeding one year.

Repeal.

SECTION 6. All acts or parts of acts inconsistent herewith are hereby repealed.

SECTION 7. This act shall take effect upon its passage.

Approved May 13, 1881.

Chap. 301

AN ACT to incorporate the Sesuet Cranberry Company.

Be it enacted, etc., as follows:

Owners of
meadow lands
in Dennis incor-
porated.

SECTION 1. The owners of the meadow lands lying on each side of Sesuet Creek in the town of Dennis and county of Barnstable, bounded upon the east side by the public roadway, and on all other sides by the uplands, are hereby made a corporation by the name of the Sesuet Cranberry Company, with power to erect and maintain tide gates for the purpose of excluding the tide water, and to dike, drain, flow and improve said meadows from time to time for the purpose of raising cranberries, and for other agricultural purposes, with power to sue and be sued in its corporate name, and with all other powers and privileges, and subject to the duties, restrictions and liabilities, set forth in the general laws which now are or hereafter may be in force relating to such corporations, unless otherwise especially provided by this act.

Powers and
duties.

Notice for call
of first meeting
of owners.

SECTION 2. Any justice of the peace, upon application in writing from five or more of said owners, shall issue his warrant to one of the owners aforesaid requiring him to notify and warn a meeting of said owners for the purposes

to be expressed in said warrant, by posting copies of said warrant in at least two public places in said town of Dennis, seven days at least before the time of said meeting, and said owners when legally assembled as aforesaid may adopt by-laws for the government of said corporation, and may also choose a clerk, treasurer, assessors and collector, who shall be sworn to the faithful discharge of their duties, and shall continue in office until others are chosen and sworn in their stead, which said officers may exercise the same power and authority in performing the duties of their appointment as town officers of the like description.

May adopt by-laws and choose officers.

SECTION 3. Said corporation shall provide, for the passage of the fish of the Flax Pond Fishing Company, a fishway to be constructed and regulated as the commissioners of inland fisheries may direct.

Passage of fish to be provided for.

SECTION 4. All damages sustained by individuals or other corporations, in consequence of carrying into effect the purposes of this corporation, shall be ascertained, determined and recovered in the same manner as is now provided in cases where land is taken for highways.

Damages.

SECTION 5. In addition to the powers already granted, said corporation shall have power to remove all natural and all illegal obstructions in said Sesuet Creek whereby the drainage of their said meadow lands is obstructed and prevented, and to vote and raise money for said purposes and for all other necessary expenses of said corporation; and all moneys which may be voted to be raised as aforesaid shall be assessed upon each proprietor in said meadows according to the number of acres owned by him, and the benefits likely to be received, and any owner who is aggrieved by the amount of tax levied on his land may, at any time within thirty days after said assessment, appeal to the county commissioners of the county of Barnstable, who shall have power to reduce or increase the amount of said tax and to make the same as said corporation should have made it under the provisions of this act; and if any owner shall refuse or neglect to pay the sum or sums assessed upon him as aforesaid, for sixty days after demand thereof, so much of his said land may be sold as will be sufficient to pay the same together with the costs, in the same way and manner as non-resident owners' lands in this Commonwealth are sold to pay town taxes; but nothing herein contained shall authorize arrest of the person or the sale of any property except said meadow lands.

May remove obstructions in Sesuet Creek.

Assessments upon proprietors.

Proviso.

All sums for which judgment may be recovered by any party against said corporation shall be assessed upon each proprietor and collected in the same manner as moneys voted to be raised for other purposes under this section: *provided*, that this act shall not take effect until the owners of two-thirds of all the meadow lands included herein shall have expressed in writing their acceptance of this act, which acceptance, together with the oath of at least three of said owners that in their belief the owners of two-thirds of all of said meadow lands have signed said acceptance, shall be filed in the office of the secretary of state, and the certificate of said secretary that such alleged acceptance has been so filed shall be *prima facie* evidence of such acceptance.

SECTION 6. This act shall take effect on its passage.

Approved May 13, 1881.

[Accepted May 27, 1881.]

[1875, 202.]

Chap. 303

AN ACT to require the City of Boston to abate a Nuisance in Mystic Lower Pond, for Protecting the Purity of the Waters of said Pond, and for the Preservation of the Public Health, especially in the Towns of Medford and Arlington.

Be it enacted, etc., as follows:

City of Boston
to cease empty-
ing sewage into
Mystic Lower
Pond.

SECTION 1. The city of Boston is hereby directed to cease emptying sewage, or waters, or substances containing polluting matter or properties, into Mystic Lower Pond, through its sewer constructed under chapter two hundred and two of the acts of eighteen hundred and seventy-five, or otherwise, and is hereby also directed to take up and remove so much of said sewer as extends into said pond, and also that part thereof between said pond and a point on the line of said sewer at least two hundred feet from said pond, within three months from the passage of this act, and thereafter no person or persons, no municipal nor other corporation or corporations, shall discharge or divert into said pond any sewage or offensive matter, waters or substances containing such properties or of such quality as shall of themselves or in connection with other matter create a nuisance in said Mystic Lower Pond, or endanger the public health; but nothing herein shall be construed to prohibit the city of Boston from discharging such water as shall be collected in its said sewer into said Mystic Lower Pond after said city shall have purified,

cleansed and freed the said waters from all offensive, contaminating, noxious and polluting properties and substances, so that said waters shall not of themselves, or in connection with other matter, create a nuisance therein or endanger the public health: *provided*, that said waters so purified shall flow for a distance of at least two hundred feet immediately before their entrance into said pond in an open drain over a gravelly or sandy bottom.

Proviso.

SECTION 2. The city of Boston is hereby directed to cause said Mystic Lower Pond to be cleansed of such impurities prejudicial to the public health as, in the judgment of the state board of health, lunacy and charity, it shall have caused, and at such time and in such manner and extent as shall be approved by the state board of health, lunacy and charity, and said city shall pay the expense incurred thereby; and should the said board deem the same to be necessary, and so decide, the city of Boston may erect a dam at the outlet of the lower Mystic Pond, and may exclude tide water from said pond, and may raise the height of the water in said pond, and may take land therefor; and any person suffering any damage shall have the right to have damages assessed therefor, as provided in section three of this act.

To cause pond to be cleansed.

Damages.

SECTION 3. The city of Boston is hereby authorized to take and hold, for the time necessary to carry out the provisions of this act, such lands in the towns of Woburn or Winchester, on or near the line of said sewer, as it shall deem necessary, and may construct such canals, basins, tanks, passageways and works as may be necessary to enable said city to treat said sewage and waters, in order to free the said waters of all noxious, dangerous and offensive matter and properties. Said city shall make compensation to the owners for such lands as it shall take under this act, and if said city and said owners do not agree any person aggrieved shall be entitled to have his damages ascertained by a jury upon petition to the county commissioners of Middlesex county, the proceedings upon which shall be like those provided for the recovery of damages in the taking of lands for highways.

May take lands in Woburn and Winchester.

Compensation to owners.

SECTION 4. Said city of Boston is hereby authorized to raise and appropriate, in such manner as its city government shall determine, such sums of money as shall be incurred by said city in carrying out the provisions of this act.

May raise money necessary for purpose.

SECTION 5. This act shall be subject to the same

Limitations.

limitations expressed in section twelve of chapter two hundred and two of the acts of the year eighteen hundred and seventy-five.

Jurisdiction in
equity of S. J. C.

SECTION 6. The supreme judicial court, or any justice thereof, in term time or vacation, sitting in equity for either of the counties of Suffolk or Middlesex, shall have jurisdiction in equity to enforce the provisions of this act by injunction or by any other appropriate equitable remedy, on complaint of the selectmen of either of the towns of Medford or Arlington.

SECTION 7. This act shall take effect upon its passage.

Approved May 13, 1881.

[1881, 192.]

Chap. 306

AN ACT to amend An Act "to establish the City of Brockton."

Be it enacted, etc., as follows:

City of Brock-
ton.

Section thirty-four of chapter one hundred and ninety-two of the acts of the year eighteen hundred and eighty-one is hereby amended by inserting in the fifth line, before the words "the first Monday," the words "the Tuesday next after."

Approved November 19, 1881.

CHANGE OF NAMES OF PERSONS.

In compliance with the requirement of the General Statutes, Chap. 110, Sect. 14, returns of the following Changes of Names have been received at the Department of the Secretary of the Commonwealth, as decreed by the several Judges of the Probate Courts, in their respective Counties: —

CHANGE OF NAMES.

793

SUFFOLK COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1880.			
Jan. 5, .	Mabel Harvey Stone,*	Mabel Wortley Owen, .	Auburn, Me.
5, .	Mary Ella Geddes, .	Mary Ella Edmands, .	Boston.
5, .	Virginia Vanderbilt Geddes, .	Virginia Vanderbilt Edmands, .	Boston.
12, .	George W. Bishton,*	Ralph Bishton Eastman, .	Boston.
12, .	Edith Haynes,*	Mabel Edith Clough, .	Boston.
19, .	Lauretta Berry,*	Lauretta Boston, .	Boston.
Feb. 16, .	Mary Olive Philpot,*	Mary Olive Joy, .	Boston.
16, .	Frank Lawrence Wyman,*	Wilford Clark, .	Chelsea.
16, .	Charles William Gallagher O'Connell,*	Charles William Swift, .	Boston.

* Names changed by reason of adoption.

CHANGE OF NAMES.

SUFFOLK COUNTY — Continued.

Date of Decree.	Original Name.	Name Deceed.	Residence.
1880.			
Mar. 8, .	James M. Cary,	John Le Roach,	Boston.
8, .	Georgie Giles,*	Georgie Winnifred Ryan,	Boston.
15, .	Walter Wellington Doland,	Walter Wellington Jackson,	Boston.
15, .	— Sinclair,*	Harry Hiram Piper,	Boston.
22, .	Frank Mack,*	Solon Edward Gilmore,	Boston.
22, .	Bertha Frances Davenport,*	Bertha Lillian Taylor,	Boston.
April 5, .	Joseph Lyman Andrews,	Joseph Andrews,	Boston.
12, .	Walter Cox,*	Walter Cox Green,	Chelsea.
19, .	Katie McCann,*	Gracie Jones Simpson,	Boston.
May 8, .	Michael Dobrinsky,	Isadore Michael Dubrin,	Boston.
8, .	Alfred Poole Howard,*	Matthias Francis Shields,	Boston.
10, .	Adelaide Payson Schirmer,*	Adelaide Payson Vogel,	Boston.
10, .	Edwin Atherstone Damant,*	Edwin A. Stowe,	Boston.
17, .	Catherine Walsh,*	Esther Payson Damon,	Boston.
31, .	Catharine Wright,*	Grace A. Restarrick,	Boston.
June 7, .	Catharine Murray,*	Ellen O'Neil,	Boston.
14, .	Mary Janna,*	Mary Eloise Bates,	Boston.

CHANGE OF NAMES.

795

June 14, .	Lilian Logan,*	.	.	.	Lilian Jackson Barrus,	.	St. John, N.B.
21, .	Mary Rose,*	.	.	.	Mary Gomes,	.	Flores, in Azores.
28, .	Charles O'Hara,	.	.	.	Charles Trench,	.	Boston.
July 19, .	William Armstrong,*	.	.	.	William Wallace Flagg,	.	Arlington.
Sept. 6, .	Herbert Warren,	.	.	.	Herbert Langford Warren,	.	Boston.
13, .	John Temple,*	.	.	.	John Benjamin Francis Rawson,	.	Boston.
13, .	Frank Wilson,*	.	.	.	Harold Franklin Smith,	.	Boston.
13, .	Emma Keene,*	.	.	.	Gertrude Rust,	.	Boston.
13, .	Fanny Cronin,*	.	.	.	Maud Louise Crowell,	.	Boston.
13, .	Lora Newton Martin,*	.	.	.	Lora Maud Barbour,	.	Boston.
Oct. 4, .	Alice Gertrude Homer,*	.	.	.	Alice Gertrude Keller,	.	Boston.
4, .	Rubina Josephine Webber,*	.	.	.	Rubina Josephine Webber Martin,	.	Pueblo, Col.
11, .	Ida Dobbins,*	.	.	.	Ida Mary McKenney,	.	Boston.
18, .	Florence Naomi Safford,*	.	.	.	Florence Naomi Sprague,	.	Boston.
18, .	Frederick Morton Currier,*	.	.	.	Frederick Morton Weale,	.	Boston.
25, .	Henry Goodsell,	.	.	.	Henry Hyland,	.	Boston.
25, .	James E. Murphy,	.	.	.	James E. Ballard,	.	Boston.
Nov. 1, .	John Reynolds,	.	.	.	John Phillips Reynolds,	.	Boston.
8, .	Daniel Graham <i>alias</i> Willie Elmer Clark,*	.	.	.	William Arnold Goodspeed,	.	Boston.
8, .	Grace Eleanor Densmore Smith,*	.	.	.	Grace Eleanor Smith,	.	Dover.

* Names changed by reason of adoption.

SUFFOLK COUNTY — *Concluded.*

Date of Decree.	Original Name.	Name Decreed.	Residence
1880.			
Nov. 15, .	Ida Parker Clifford,*	Lillian Maud Paine,	Boston.
22, .	Mabel Wood McLearn,*	Mabel Wood Johanna Helena Lebrich,	Boston.
22, .	Mary Gallagher,*	Charlotte Fitzgerald,	Boston.
29, .	Alice Canavan,*	Alice Sharper,	Boston.
29, .	Teresa Foster,*	Josephine Maria von Jelagin,	Boston.
Dec. 20, .	George Perry,*	George Benjamin Jerris,	Plymouth.
20, .	James McCann,*	James Cummings,	Boston.
20, .	— Stickney,*	Helen Rex Keller,	Boston.
20, .	Edward Prouty,*	Edward Henry Cohen,	Lynn.
27, .	Elizabeth W. Southwood,*	Ada Noble,	Boston.

ESSEX COUNTY.

Jan 6, .	Martin Edward Flaherty,	Martin Edward Ferris,	Gloucester.
5, .	Frederick Sherwood Webb,	Frederick Webb,	Salem.
5, .	Eva Belle West,*	Eva Belle Perham,	Unknown.
19, .	La Roy Sunderland Champion,*	La Roy Sunderland Bowler,	Beverly.

CHANGE OF NAMES.

797

Feb. 2, .	Mary Courtney,* . . .	Annie Courtney Trask, .	Boston.
2, .	Arthur Mason Newell,* .	Arthur Newell Cook, .	Dover.
2, .	Ethel Isabella Turgerson,* .	Allester Ethel Clarke, .	Boston.
16, .	Caroline Dunakin,* . . .	Jennie Williston, . . .	Unknown.
Mar. 1, .	Joseph Burke,* . . .	Marshall Edwin Simmons, .	Belmont.
15, .	Jennie Christie Smith,* .	Jennie Maria Churchill, .	Salem.
22, .	Mary Ellen Smith,* . . .	Minnie Morton, . . .	Andover.
22, .	Willis Lovell,* . . .	George Willis Patten, .	Unknown.
April 5, .	Ida Florence Dudiea,* . .	Ida Florence Cook, . . .	Salem.
5, .	Robert Moore,* . . .	Robert Moore Hulme, . .	Schenectady, N.Y.
5, .	Lewis E. Woodbridge,* . .	Lewis E. Heckler, . . .	Greenfield, N.H.
19, .	Alvah Woodbury Bailey, .	Alvah Bailey Woodbury, .	Beverly.
19, .	Winifred Hamilton Lindley,* .	Winifred Hamilton Willcomb, .	Newburyport.
26, .	William Patrick Foley,* . .	William Mehlman, . . .	Gloucester.
May 24, .	Elizabeth Bell Ethridge,* .	Bell E. Forbush, . . .	Boston.
June 14, .	Alice Crowther,* . . .	Alice Phinney, . . .	Lawrence.
28, .	Rufina M. Thurlow, . . .	Rufina M. Kimball, . . .	Lawrence.
July 6, .	Joseph E. Merchant,* . . .	Joseph E. Palmer, . . .	Gloucester.
12, .	Evelina Comeau,* . . .	Evelina Conant, . . .	Unknown.
Sept. 20, .	Elvira Nelson,* . . .	Ella Maud Webster, . . .	Boston.

* Names changed by reason of adoption.

ESSEX COUNTY—Concluded.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1890.			
Sept. 20, .	Julia Elizabeth Young,*	Elizabeth Julia Griffin, .	Middleton.
Oct. 18, .	Mary Foray,*	Mary Marcoux, .	Haverhill.
18, .	Lavinia Anderson,*	Luenia Anderson Keene,	Boston.
18, .	Nellie Porter Battles, .	Ellen Porter Battles, .	Lawrence.
25, .	Thomas Copley Amory,	Copley Amory, .	Nahant.
Nov. 15, .	Annie Mansfield Boynton,*	Annie Mansfield Skinner,	Lynn.
Dec. 6, .	Annie Maria Hart,*	Annie Maria Lundell, .	Gloucester.
6, .	Arthur Raymond Winter,*	Charles Hastings Breed,	Framingham.
20, .	Anna Bell Plouf,*	Anna Holland Mungin, .	Lawrence.
20, .	Mary Lina Plouf,*	Mary Lena Mungin, .	Lawrence.

MIDDLESEX COUNTY.

Jan. 6, .	Edward Payson Marshall,*	Edward Payson Favor, .	Somerville.
6, .	Charles Richardson Marshall,*	Charles Richardson White, .	Cambridge.
18, .	Stella Mary —,*	Stella Mary Finley, .	Somerville.
18, .	Thomas Joseph Jones,*	Thomas Joseph Ryan, .	Marlborough.

CHANGE OF NAMES.

799

Jan. 27, .	Edward Francis Shepard,*	Frederick Morton Fiske,	Weston.
27, .	Etta Coleman,*	Alice Small, .	Newton.
27, .	Eva E. Bates,*	Eva Bates Corey, .	Waltham.
Feb. 24, .	Theodore Ware,*	Horace Louis Cilley, .	Cambridge.
Mar. 16, .	John Brewer Hildreth, .	John Lewis Hildreth, .	Cambridge.
May 4, .	Rita M. Eaton,*	Rita Maria Maloy, .	Somerville.
18, .	Child — name unknown,*	Mary Jane Moorhouse, .	Lowell.
18, .	Bessie Maria Knowles,*	Bessie Maria Lawrence, .	Pepperell.
18, .	Henry Franklin Dwinell,*	Franklin Russell Spear, .	Melrose.
25, .	Charles Roscoe Bassford, .	Charles Roscoe Craig, .	Marlborough.
June 8, .	— Heyward,*	William Albert Doucett, .	Stoneham.
8, .	Ellen L. Hammond,*	Ada Florence Wright, .	Cambridge.
8, .	Joseph E. Burgeron,*	Joseph Elmo Leblane, .	Lowell.
July 6, .	Cora Alice Butler,*	Cora Alice Groeschner, .	Watertown.
13, .	Alice Sullivan,*	Marjorie King, .	Newton.
27, .	Charles Augustus Brinnick,*	Charles Augustus Chamberlain, .	Newton.
Sept. 7, .	Henrietta Counterway,*	Nettie Ella Littlefield, .	Somerville.
21, .	Hugh Short,*	Albert Tice, .	Lowell.
21, .	Henry Warren Taylor,*	James William Flynn, .	Cambridge.
28, .	Buelah Henrietta Parsons,*	Bertha Louise Cameron, .	Cambridge.

* Names changed by reason of adoption.

Date of Decree	Plaintiff	Defendant	County
Jan. 22.	George May Thompson	Charles Joseph Foster,	Worcester.
22	George Lindsay May	Alfred Spencer Lowell,	Worcester.
Nov. 2.	Charles Ryan.		
9.	Mary Jane Oakley		
9.	William Vincent Smith.		
9.	Alice Parkman Smith.		
23.	Ida Hyde.		
Dec. 7.	Henry Hay.		
7.	Sarah Elizabeth Ellis.		
14.	Albert Henry Putnam.		
23.	Edward Ruthven Macdonough.		
24.	Charles Barnes Macdonough		

CHANGE OF NAMES.

801

Feb. 17, .	Annie Louisa Gay,*	Belle Hallett Keene,	Milford.
17, .	Thomas Salmon, .	Thomas Henry Aldrich,	Uxbridge.
24, .	Charles Edward Flint,*	Charles Edward Merritt,	Fitchburg.
Mar. 2, .	Charles Jones,*	Charles Corbin, .	Webster.
16, .	George Frederick Renney,*	George Frederick Burnell,	Boylston.
16, .	Jennie Waldmyer Foster,*	Jennie Foster Chapin, .	Northborough.
16, .	Rose Mary Elizabeth McDonald,*	Effie Grace Green, .	Spencer.
16, .	Leonia Isabell Gould,*	Leonia Isabell Hutchinson,	Fitchburg.
16, .	Josephine Brooks,*	Clara Barton Taylor, .	Worcester.
April 6, .	Florence Edgar Benjamin,	Frank Edgar Benjamin,	Fitchburg.
20, .	George Franklin Willard,	George Franklin Gray, .	Warren.
May 4, .	Anna Maria C. Katherina Fahring,*	Anna Maria Katherina Pferdekamp,	Clinton.
4, .	Gerhard Henry Fahring,*	Gerhard Henry Pferdekamp,	Clinton.
4, .	Sophie M. Fahring,*	Sophie M. Pferdekamp,	Clinton.
18, .	Sarah Frances Smith,*	Florence Mabel Gates, .	Worcester.
June 1, .	Blanche Warren,*	Blanche Warren Learned,	Worcester.
July 6, .	Ellen E. Blunt,*	Nellie E. White, .	Northbridge.
Sept. 14, .	Lillian Force,*	Lillian Sherman, .	Milford.
Oct. 13, .	Isaletta Belle Thompson,*	Etta Belle Smith, .	Petersham.

* Names changed by reason of adoption.



WORCESTER COUNTY - Concluded.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1880.			
Oct. 19, .	Josephine Eglentine Caya,*	Josephine Eglentine Maynard,	Southbridge.
Dec. 21, .	Hattie Belle Rathburn,*	Hattie Belle Guilford,	Hardwick.

HAMPSHIRE COUNTY.

Jan. 6, .	Annie Goss,*	Annie Goss Dolby,	Worthington.
Feb. 8, .	Frank L. Thayer,*	Frank L. Bennett,	Amherst.
Mar. 2, .	Bernice Ann Loring,*	Bernice Ann Clark,	Huntington.
April 6, .	Henry Rawson,*	Willard Francis Bryant,	Chesterfield.
6, .	Nettie Ellen Jackson,*	Nettie Jackson Clark,	South Hadley.
June 1, .	Thomas McGrath,	Thomas Francis McGrath,	Hadley.
Aug. 3, .	Susan M. Tilden,*	Susan M. Engram,	Chesterfield.
Oct. 12, .	Emma Linda Jackson,*	Emma Linda Curtis,	Belchertown.
Nov. 3, .	Fred Eugene Rawson,*	Fred Eugene Bartlett,	Chesterfield.
Dec. 7, .	Cora E. Howe,*	Cora E. Cook,	Amherst.

CHANGE OF NAMES.

803

HAMPDEN COUNTY.

Feb. 16, .	Florence Mabel Ritter,*	.	.	Olga Charlotte McFethries, .	.	Longmeadow.
Mar. 2, .	Edward Anderson,*	.	.	Edward Beiser, .	.	Springfield.
Mar. 2, .	Edward Franklin Bourke,*	.	.	Edward Albert Parker, .	.	Wilbraham.
2, .	William Henry Bourke,*	.	.	William Edwin West, .	.	Wilbraham.
April 6, .	Zaidee Priscilla Thompson,*	.	.	Zaidee Thompson Knight,	.	West Springfield.
6, .	Emily M. Williams,†	.	.	Emily M. Ferry, .	.	Chicopee.
17, .	Charles Walcott Merriam,†	.	.	Charles Walcott Merriam,	.	Springfield.
May 11, .	Maria Waters,*	.	.	Minnie Maria Parmenter,	.	Palmer.
19, .	Lester Emery Converse,*	.	.	Lester Emery Bradway,	.	Wales.
July 6, .	Ella Francis Barnes,†	.	.	Ella Francis Barnes,	.	Westfield.
6, .	Ida May Palmer,*	.	.	Ida May Presset, .	.	Springfield.
Aug. 8, .	Esper Phelps,*	.	.	Esper Crosby, .	.	West Springfield.
Sept. 7, .	Daisy Langguth,*	.	.	May Warren Farmer, .	.	Springfield.
7, .	Raymond T. Erwin,*	.	.	Raymond Irving Lewis,	.	Springfield.
21, .	Fanny Bent Gowdy,*	.	.	Fanny Bent Bishop,	.	Springfield.
Dec. 7, .	Mabel Young Titus,*	.	.	Mabel Young, .	.	Springfield.
8, .	Hattie May Dean,†	.	.	Hattie May Dean,	.	Springfield.

* Names changed by reason of adoption.

† Adoption without change of name.

‡ Change of name of adult.

FRANKLIN COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1880.			
Mar. 2, .	Theresa Grollmann,*	Theresa Grollmann Sommers,	Shelburne.
Apr. 22, .	Kate Leyden,*	Katie Leyden Hartley,	Montague.
July 6, .	Arlon Orcutt Moffatt,*	Arlon Orcutt Holden,	Hawley.
Aug. 8, .	Lottie Swartz,*	Lottie Russell Shirley,	Conway.
8, .	Henry G. Bowman,*	Henry G. Vincent,	Heath.
Oct. 5, .	Frank L. Nelson Hastings,	Frank L. Nelson,	Warwick.
Dec. 10, .	Rosa Brennan,*	Rose Emma Cobb,	Greenfield.

BERKSHIRE COUNTY.

Feb. 8, .	Anna M. North,*	Anna M. Dean,	Adams.
8, .	Arthur Jannette,*	Arthur Varno,	Adams.
3, .	Delia Jannette,*	Delia Murray,	Adams.
Mar. 8, .	Daisy E. Stone,*	Daisy E. Haskins,	North Adams.
May 4, .	Mary Elizabeth Osborne,*	Mary Elizabeth Powers,	Pittsfield.
4, .	Charles Crew,*	Charles Thomas Kirk,	Pittsfield.
5, .	Grace Shufelt,*	Grace Pixley,	New Marlborough.

June 1, .	Sarah Jones,*	.	.	.	Lillian B. Culverhouse, .	.	.	North Adams.
July 22, .	Lida F. Moulton,*	.	.	.	Lida F. Goodnow, .	.	.	North Adams.
Nov. 8, .	Myrtie Hall,*	.	.	.	Elsie L. Boyd, .	.	.	North Adams.
Dec. 7, .	Ivoddell Tower,*	.	.	.	Ivoddell Waters, .	.	.	Adams.
7, .	Mary L. Mundry,*	.	.	.	Mary L. Monteaux, .	.	.	Pittsfield.
7, .	Irena Washburn,*	.	.	.	Rosa Adams, .	.	.	Lee.
NORFOLK COUNTY.								
Jan. 14, .	Georgianna Glover Arnold,*	.	.	.	Georgianna Glover Derry, .	.	.	Braintree.
21, .	Harriet Allen,*	.	.	.	Bessie Howard Farnham, .	.	.	Randolph.
Feb. 11, .	Alice Levan,*	.	.	.	Edith Dana Tucker, .	.	.	Milton.
18, .	Gilbert Nathaniel Weaver,*	.	.	.	Harry Weston Badger, .	.	.	Quincy.
Mar. 8, .	William Robinson,*	.	.	.	William Francis Collins, .	.	.	Medway.
8, .	Charles Lamb,*	.	.	.	Charles Alonzo Thayer, .	.	.	Dedham.
June 23, .	Isabel Estelle Capen,*	.	.	.	Isabel Capen White, .	.	.	Canton.
23, .	Henry McCall,*	.	.	.	Harry Allen Norton, .	.	.	Dover.
28, .	Mabel Peterson,*	.	.	.	Anna Mabel Newcomb, .	.	.	Quincy.
Sept. 15, .	Jennie Frederica Carlson,*	.	.	.	Hattie Ardell Poole, .	.	.	Hyde Park.
15, .	Jesse Cooper,*	.	.	.	Jessie Cooper Mears, .	.	.	Quincy.

* Names changed by reason of adoption.

NORFOLK COUNTY — Concluded.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1880.			
Sept. 15, .	Sarah Ellen Cooper,*	Nellie S. Hauna, .	Quincy.
22, .	Hattie Elizabeth Shepard,*	Hattie Elizabeth Bennett, .	Hyde Park.
Oct. 20, .	Hattie Osgood,*	Hattie B. Derby, .	Needham.
Nov. 3, .	John Wesley Kilpatrick, .	John Wesley Williams, .	Hyde Park.
Dec. 15, .	Winnifred Camille Sampson,*	Camille Jane Osgood, .	Sharon.

PLYMOUTH COUNTY.

Feb. 9, .	Elizabeth Marr,*	Lizzie Adams Brown, .	Abington.
May 24, .	George H. Stevens,*	Albert Leslie Simmons, .	Plymouth.
July 12, .	Sarah E. Pratt,*	Sarah E. Bryant, .	Middleborough.
Sept. 13, .	Bernard James,*	Fred Loring Cortell, .	Hingham.
Oct. 18, .	George Greeley,*	George Henry Tighe, .	Brockton.
Dec. 27, .	Annie Maria Parsons,*	Anna Maria Thrasher, .	Plymouth.
27, .	Jennie G. Walling,*	Jennie G. Hatch, .	Hanover.

CHANGE OF NAMES.

807

BRISTOL COUNTY.

Jan. 2, .	Alec R. E. Young,	.	.	Alec R. E. Swift, .	.	Fall River.
16, .	Phebe Ann Hewlett,	.	.	Annie Macomber, .	.	Taunton.
Feb. 6, .	Nellie Fitts, .	.	.	Winnifred Louise Harding,	.	Boston.
6, .	Mary Ann Grady, .	.	.	Mary Ann Carrot, .	.	Fall River.
6, .	Joseph Dimech, .	.	.	Frederick Scholes,	.	Fall River.
6, .	Ida M. Hanherson,	.	.	Ida M. Clemens, .	.	Taunton.
Mar. 19, .	Clara Fone, .	.	.	Clara Amanda Blachler,	.	Boston.
19, .	Sarah E. Ramsey, .	.	.	Sarah E. Macomber,	.	Fall River.
April 2, .	Ruby Marlow, .	.	.	Ruby Ellen Altham,	.	Fall River.
May 7, .	Maria Bittencourte,	.	.	Maria Sylvia, .	.	New Bedford.
21, .	Olive J. Hadwen, .	.	.	Olive J. Braley, .	.	New Bedford.
June 18, .	Cora P. Wilcox, .	.	.	Cora Estelle Tinkham, .	.	Fairhaven.
July 2, .	Abraham Luce, .	.	.	William Aldens Johns, .	.	New Bedford.
Aug. 6, .	Maria Francisca de Rosa,	.	.	Maria Francisca Machado,	.	Gloucester.
6, .	Martha N. Smith, .	.	.	Clara May Smith, .	.	New Bedford.
Sept. 3, .	Alice Isabella Beeden,	.	.	Alice Clark, .	.	Dartmouth.
24, .	Wilbert Watts, .	.	.	Wilbert Baldwin, .	.	Boston.
Oct 1, .	Thomas Suter Palmer,	.	.	Thomas Palmer Harrison,	.	Fall River.

* Names changed by reason of adoption.

BARNSTABLE COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1880.			
Jan. 13, .	Angie Holway,*	Angie Bell,	Provincetown.
June 15, .	Arthur Emerson Thompson,*	Arthur Emerson Swift,	Falmouth.
Aug 10, .	Charles A. Bray,*	Charles A. Williams,	Wellfleet.

* Names changed by reason of adoption.

I N D E X.

INDEX.

A.

	Page
Abbot Hall, in Marblehead, town may raise money for portrait and tablets in	258
Abbott Female Academy in Andover, Trustees of, name changed to The Trustees of Abbott Academy	375
Academy, Deerfield, and Dickinson High School, Trustees of, incorporated	34
Milton, election of trustees; additional real and personal estate	492
Phillips, in Andover, trustees of, may hold additional estate	493
Pierce, in Middleborough, may hold additional estate	237
Sawin, town of Sherborn may grant money in aid of	154
Thayer, Trustees of, incorporated	382
Adams, Edwin, claim of, against Commonwealth, submitted to arbitration,	168
Adams Nervine Asylum, incorporated	136
Agawam, town of, may increase indebtedness to pay for bridge	533
Agawam River, expense of changing and maintaining channel in, to be borne by town of West Springfield	130
selectmen of West Springfield may repair dam and channel of	492
Agawam and Half-way Pond Rivers, fisheries in, regulated	70
Agawam and Springfield, apportionment between, of cost of bridge over Connecticut River	571
Aged Females, Newburyport, Society for the Relief of, may hold additional estate	9
Worcester, Home for, in, incorporated	368
Aged Men, Home for, may hold additional estate	616
Aged Women in Waltham, Home for, incorporated	373
Agricultural College, Massachusetts, granted thirty-two thousand dollars,	445
Agricultural Society, Bristol County, to be paid state bounty	241
Hoosac Valley, to be paid state bounty	509
Aid, state, paid on account of children of soldiers born after the death of the father	78
to disabled soldiers and sailors and their families, and to families of deceased soldiers, etc.	187, 347, 364, 440, 455, 616
Alden Emery Company, name changed	617
Alewife Brook, in Cambridge, discharge of sewage into	762
Alewife Fishery in Barnstable, concerning	397
in Eastham, established	375

	Page
Alewife and Herring Fishery, in Hummock Pond in Nantucket, regulated	17
Alleghany River Oil Company, charter revived	392
Alpha Delta Phi Fraternity of Williams College, Trustees of, incorporated,	493
American Bell Telephone Company, incorporated	512
American Board of Commissioners for Foreign Missions, may hold additional real and personal estate	484
American Linen Company, organization confirmed	484
American Linen Manufacturing Company, corporation revived for conveyance of estate	484
American Loan and Trust Company, incorporated	643
American Molded Collar Company, may reduce par value of shares	247
American Unitarian Association, may transfer the Fay Fund to the Society for the Relief of Aged and Destitute Clergymen	489
Amesbury Savings Bank, name changed	125
Amesbury and Salisbury Agricultural and Horticultural Society, incorporated	739
Amherst Water Company, incorporated	547
Anderson School of Natural History, trustees may re-convey Island of Penikese to original donor	146
Andover, town of, Punchard Free School in, election of trustees of	133
part of, annexed to city of Lawrence	365
trustees of Phillips Academy in, may hold additional estate	493
Animals, Society for Prevention of Cruelty to, may establish a dog shelter in Boston	777
may kill abandoned animals, etc.	780
Aqueduct Company, Jamaica Pond, charter amended	128
Sturbridge, incorporated	14
Arlington, town of, may issue additional water scrip	28
nuisance in, to be abated	790
Arnold Arboretum, may be connected with system of parks in Boston	527
Art School, State Normal, land in Boston to be reserved for erection of building for	562
Artillery Association, Veteran, of Amesbury and Salisbury, may parade with side arms	157
Ashburnham Railroad Company, incorporated ; may purchase Ashburnham Railroad	288
Ashburnham Savings Bank, dissolved	558
ASSOCIATIONS:	
American Unitarian, may transfer the Fay Fund to the Society for the Relief of Aged and Destitute Clergymen	489
Boston Police Relief, incorporated	3
Boston Widows' and Orphans', incorporated	31
Boston Young Men's Christian, may hold additional estate	494
Boston and Worcester Mutual Benefit, act of incorporation: amended,	126
Braintree Cemetery, organization and proceedings confirmed	497
Butchers' Slaughtering and Melting, in Brighton, concerning, 65, 133, 264	262
Central Cemetery, of Randolph, incorporated	262
Fusileer Veteran, of the city of Boston, incorporated	299

	Page
ASSOCIATIONS — Concluded.	
Glades, incorporated	20
Hampden County Children's Aid, may be given custody of certain children	567
Lynn Workingmen's Aid, incorporated	550
Malden and Medford Parochial Cemetery, incorporated	505
Maple Grove Cemetery, in Westport, incorporated	648
Massachusetts Anglers', name changed to The Massachusetts Fish and Game Protective	146
Massachusetts Charitable Mechanic, may erect wooden building in Boston	316
Massachusetts Public Health, incorporated	411
Mercantile Library, of Boston, charter amended	1
Montgomery Guard, incorporated	169
Old South, in Boston, incorporated	204
Onset Bay (Grove, incorporated	148
Onset Bay Grove, may build bridge over tide water	378
Public Library, of Hinsdale, charter amended	654
Standish Monument, charter amended	140
Veteran, of the Independent Corps of Cadets, incorporated	120, 372
Veteran Artillery, of Amesbury and Salisbury, may parade with side arms	157
Waiters' Benevolent, of the city of Boston, organization confirmed,	514
Assurance Company, Fidelity, of Massachusetts, incorporated	179
charter amended	286
time for paying in capital stock extended	450
Asylum, Adams Nervine, incorporated	136
Asylum for the Chronic Insane, established	207
Athenæum, Boston, may hold additional real and personal estate	490
Athol Water Company, incorporated	158
Attleborough, town of, sessions of first district court of Bristol at	186, 504
Attleborough, village of, water supply for	149
Attleborough Bank, charter revived to execute a deed	246

B.

Baird, George H., town of Wilmington may pay bounty to	373
Baldwin Place Home for Little Wanderers, in addition to incorporate	31
Ballou, Frederick K., claims of, against the Commonwealth, submitted to arbitration	345, 431
BANKS:	
Amesbury Savings, name changed	125
Ashburnham Savings, dissolved	558
Attleborough, charter revived to execute a deed	246
Boylston, charter revived for conveyance of estate	12
Brockton Savings, incorporated	628
East Weymouth Five Cents Savings, name changed to East Weymouth Savings	507
Jamaica Plain Savings, dissolved	558

	Page
BANKS — Concluded.	
James Otis Savings, in Barnstable, incorporated	545
Massachusetts Family, incorporated	62, 183
Merrimac Savings, name established	125
Shelburne Falls Five Cents Savings, name changed	17
Shelburne Falls Savings, name established	17
Banking and Trust Company, Chapin, of Springfield, charter amended	209
Baptist Convention, Massachusetts, election of officers	367
Baptist Religious Society in Haverhill, may convey real estate	709
Barnstable county, commissioners may build bridge across Broad Nook	17
sessions of probate court in	147
commissioners may borrow money to construct jail and house of correction	294
fisheries in, regulated	495
Barnstable, town of, alewife fishery in	397
action of town meeting legalized	420
Bass River in Dennis and Yarmouth, regulation of fisheries in	514
Bay State Iron Company, may increase capital stock	5
may reduce par value of capital stock	478
Bedford and Billerica Narrow-Gauge Railroad Company	38, 119, 374
Belmont, town of, part of, annexed to city of Cambridge	555
appropriation of money for a park, confirmed	771
Berkley, town of, part of Taunton annexed to	416
Berkshire, Central, district court of, town of Washington within jurisdiction of	657
Berkshire county, workshop may be built at jail in	157
Berkshire Water Company, incorporated	518
charter amended	646
Beverly, town of, may refund its indebtedness	756
Billerica and Bedford Narrow-Gauge Railroad Company	38, 119, 374
Board of Aid to Land-Ownership, incorporated	285
Boiler Insurance Company, Mutual, of Boston, incorporated	163
Bonds, Water Loan, town of Arlington may issue additional	28
town of Brockton may issue additional	618
village of Foxborough may issue	423
town of Framingham may issue	742
city of Lawrence may issue additional	26
city of Lynn may issue additional	523
city of Newton may issue additional	10, 501
town of Malden may issue additional	78
town of Northampton may renew portion of bonds	560
town of Peabody may issue	701
city of Taunton may issue additional	141
town of Waltham may issue additional	501
Boston, city of, may maintain public urinals	21
public buildings in, regulations concerning	24
wooden buildings in, may be erected by Massachusetts Charitable Mechanic Association	316
may re-construct Dover Street Bridge	41

	Page
Boston, city of, may lay a main sewer discharging at Moon Island in the	
harbor	56, 434
buildings in, regulation and inspection of	73, 144, 661
municipal courts in, concerning	74, 100, 185, 244, 412, 444, 612, 629
ward twenty-two in, to be divided into two wards	102
election, appointment, and compensation of ward officers	103
water supply for	119, 516, 663
may construct a sewer in the Mystic Valley	122
buildings of Institute of Technology in	163, 439, 667
the school committee of, incorporated	135
main drain in, may be constructed by city of Newton	175
inmates of almshouse and house of industry in, may be employed	
upon Winthrop Farm	196
may take land to abate a nuisance in and about Roxbury Canal	197
street commissioners of, powers of	208
powers conferred by statute to engineers of fire department, trans-	
ferred to city council	244
criminal jurisdiction of municipal courts over islands and waters of	
harbor	244
re-location of streets and ways in	253
Trustees of the Public Library in, incorporated	270
may pay fees and charges for collection of certain taxes, etc.	301
building of stables regulated in	303
Prison Point Bay in, may be filled	304
registration and elections in	321, 413, 564, 749, 785
police department of	326, 373, 378, 506
police commissioners to be appointed	326
licenses to victuallers and innholders to be issued by commission-	
ers	373
licenses to car drivers to be granted by commissioners	378, 506
may pay estate of Michael F. Wells for labor and materials	369
pensions to disabled police officers in	333
may divert sewage from Roxbury Canal	385
compensation of street commissioners	425
names of streets not to be duplicated in	495
licensing of conductors and drivers of horse cars in	506
members of fire department in, may be retired upon pensions	509
may construct bridge over Charles River, and widen Warren Bridge,	515
may lay water pipes through Brookline to Boston	516
may take land for a court-house	520
may make ordinances relative to vehicles and their loads	524
may take the Arnold Arboretum for a park	527
may occupy land of the Commonwealth for a public library building,	561
applications for jury in, under the general railroad act	650
laying out public parks in or near	661
Children's Hospital in, may hold additional estate	669
Charles River Promenade in, may be constructed	725
may prescribe duties and fix compensation of certain officers by or-	
dinance	754

	Page
Boston, city of, may attach water meters to service pipes, etc.	739
flats to be filled in Prison Point Bay	758
municipal courts in, appointment of constables	771
dog shelter may be established in	777
to abate a nuisance in Mystic Lower Pond	790
Boston, harbor of, commissioners may contract for dredging off shoals in,	47
regulations concerning	157
criminal jurisdiction over islands and waters of	244
lines established	535
shell fisheries at Thompson's Island in, regulated	254
Boston Athenæum, may hold additional real and personal estate	490
Boston, Barre and Gardner Railroad Corporation, may mortgage its prop-	
erty	449
Boston, the Broadway Universalist Society in, name established; real	
estate	12
Trustees of the City Hospital in, incorporated	545
Boston Catholic Cemetery Association, name established	123
Boston, Clinton, Fitchburg and New Bedford Railroad Company, may	
issue preferred stock	184
may issue bonds	401
Boston, Clinton and Fitchburg Railroad, may unite with Fall River Rail-	
road	39
may discontinue passenger station in New Bedford	273
mortgage to New England Trust Company confirmed	497
Boston, The Trustees of the Egleston Square Methodist Episcopal Church	
in, election and organization confirmed	421
Boston Episcopal Charitable Society, may hold additional estate	491
Boston, The Proprietors of the Fourth Universalist Meeting-house in,	
name changed	12
Boston, Hoosac Tunnel and Western Railways of New York and Vermont,	
provisions affecting	345
Boston Land Company, may make improvements in Boston harbor, and	
have certain flats granted to them	205
Boston Land and Wharf Improvement Company, provisions affecting . . .	75
Boston Police Relief Association, incorporated	3
Boston Produce Exchange, incorporated	124
Boston Protective Department, disabled members may be pensioned, 366,	615
Boston, Saint Paul's Church in, interments under, prohibited	371
Boston Safe Deposit and Trust Company, charter amended	213
Boston Sugar Warehousing Company, incorporated	23
Boston Widows' and Orphans' Association, incorporated	31
Boston, Winthrop and Point Shirley Railroad, time for location and con-	
struction extended	478
Boston Young Men's Christian Association, may hold additional estate . .	494
Boston and Albany Railroad, may be entered upon and used by the Spring-	
field and New London, and the Springfield, Athol and North-	
Eastern Railroads	55
stated meetings of board of directors to be held monthly	270
Commonwealth's right to take stock in, may be sold	32

	Page
Boston and Albany Railroad, may purchase property of the Springfield and North-Eastern Railroad	544
Boston and Brookline, sewer may be used in common by	57
Boston and Chelsea Railroad, charter extended; may be leased	300
Boston and Hingham Steamboat Company, may increase capital stock	650
Boston and Lowell Railroad, may use steam as motive power on branches in Lowell	158
may widen freight bridge across Charles River	242
may purchase the Lowell and Lawrence, and Salem and Lowell Railroads	370
may unite with the Nashua and Lowell Railroad	655
provisions affecting	534
Boston and Maine Railroad may purchase the West Amesbury Branch Railroad	2
may purchase Newburyport Railroad	47
may purchase Danvers Railroad	48
crossing tracks of, at South Lawrence, by Lowell and Lawrence Railroad	330
may make certain contracts with the Eastern Railroad	558
Boston and Worcester Railroad Mutual Benefit Association, act of incorporation amended	126
Boundary line established between Falmouth and Sandwich	514
Boylston Bank, charter revived for conveyance of estate	12
Bradford, town of, public landing place in, discontinued	13
election of moderator confirmed	266
Braintree, Monataquot River in, fisheries regulated	162
Braintree Cemetery Association, organization and proceedings confirmed, Brandt Island and the main land, bridge between, may be built	657
Brattleborough Branch, may be sold by the Vermont and Massachusetts Railroad Company	307, 561
may be mortgaged	523
Brewing Company, Phoenix, of Lawrence, incorporated	392
BRIDGE:	
of the Boston and Maine Railroad over Merrimack River at Haverhill	772
from Brandt Island to the main land, may be built	657
across Broad Nook in Barnstable, county commissioners may build, over Charles River, may be built by city of Boston	17
Chelsea, may be re-constructed by Boston and Chelsea	515
Chelsea, maintenance of	41
over Cole's and Lee's Rivers, to be built upon plans approved by harbor commissioners	242, 531
over Connecticut River, between Agawam and Springfield, apportionment of cost of construction	436
Connecticut River, between Deerfield and Montague, tolls abolished, across Connecticut River, between Springfield and West Springfield, commissioners of Franklin county may borrow money to build, free, across Connecticut River, between Springfield and Agawam, county may borrow money to build	267
	236
	369

	Page
BRIDGE — Concluded.	
across Connecticut River, at Turner's Falls, time extended for construction and completion	44
across Connecticut River, at Turner's Falls, may be re-located and constructed	171
over Dean's River and Hog Island River, construction of	490
Dover Street, may be reconstructed by city of Boston	41
over East Branch of Westport River, time for construction extended,	131
over rivers in Falmouth, construction of	164
over Green Harbor River in Marshfield, authority to build, repealed,	771
across Ipswich River, may be constructed by county commissioners, 43, 620	
Lagoon, between Tisbury and Edgartown, maintenance of	284
across Merrimac River, between Groveland and Haverhill, may be reconstructed	676
near mouth of Miller's River, maintenance of	18
across Mystic River, town of Medford may build	379
Newburyport, across Merrimack River, Newburyport and Salisbury to be indemnified for rebuilding	19
Thurlow's, in Newbury, expense of rebuilding	300
over Oyster Pond River, in Chatham, may be constructed by town,	165
over rivers in Somerset and Swansey	184
Squantum Free, time extended for building	30, 404
Sunderland, commissioners of Franklin county may borrow money for costs and expenses, etc.	177, 210, 247
Warren, city of Boston may widen	515
Bridgewater, town of, fisheries regulated	240
sessions of the superior court may be held by adjournment in	490
Brighton, Cattle Fair Hotel in, may be discontinued as a public house	126
Brighton Avenue Baptist Society in Boston, name established	309
Bristol county, commissioners of, may build bridges over Lee's and Cole's Rivers in Somerset and Swansey	184
terms of probate court in Fall River, in	281
matters before S. J. C. in Dukes and Nantucket counties may be heard in	297
first district court in, sessions at Attleborough	186, 504
second and third district courts in, may have concurrent jurisdiction in Westport and Freetown.	299
fisheries in, regulated	495
Bristol County Agricultural Society, to be paid state bounty	241
Broadway Universalist Society in Boston, name established; real estate	12
Brockton, town of, water supply for	281
may issue additional water scrip	618
Brockton, city of, incorporated	711
charter amended	792
Brockton Savings Bank, incorporated	625
Brookline, town of, establishment of station house near Cypress Street, by the New York and New England Railroad	195
Brookline and Boston, sewer may be used in common by	57, 434
Brown, William O., allowance for services connected with burning of Fitchburg jail	182

	Page
Browne, Albert G., right of way granted to, over certain lands in North Adams	317
Bryant Free Library, incorporated	44
Builders' Loan and Fund Corporation, charter revived to discharge a mortgage	245
Building Company, Real Estate and, charter extended	489
Buildings in Boston, regulation and inspection of	24, 73, 681
Burial ground, private, in Fall River, city may construct a way through, 66, 164	
Butchers' Slaughtering and Melting Association in Brighton, concerning	65, 138, 264
Buzzard's Bay, pilots of, to make returns to port wardens	526

C.

Cable Company, Subterranean, of Boston, incorporated	426
Cadets, Veteran Association of the Independent Corps of, incorporated, 120, 372	
Calvinist Society in Worcester, name changed to The Central Society in Worcester	388
Cambridge, city of, overseers of the poor in, concerning	129
treasurer and collector may be removed from office by city council,	265
election of assessors and assistant assessors in; act void	419
authority to take land around the margin of Spy Pond, repealed	544
part of town of Belmont annexed to	555
discharge of sewage into Alewife Brook, etc.	762
Canal Company, Cape Cod, incorporated	577, 613
Canal, Cape Cod Ship, time extended for commencement and completion, 3, 241	
capital stock reduced	241
charter amended	573
Cape Ann Isinglass and Glue Company, in Rockport, name changed to Cape Ann Isinglass Company	382
Cape Cod Canal Company, incorporated	577, 613
Cape Cod harbor, in Provincetown, harbor lines established	139
Cape Cod Ship Canal, time extended for commencement and completion, 3, 241	
capital stock reduced	241
charter amended	573
Carver, town of, fisheries in, regulated	173
Catholic Cemetery Association, in Dorchester, name changed	123
Cattle Fair Hotel, in Brighton, may be discontinued as a public house	126
Cemetery, East Randolph, name changed	20
Hingham, may take and hold additional estate	140
Holbrook Union, name established	20
Maple Grove, Proprietors of, incorporated	269
Mount Auburn, Proprietors of, in addition to incorporate	48
Cemetery Association, Boston Catholic, name established	123
Braintree, organization and proceedings confirmed	497
Central, of Randolph, incorporated	262
Malden and Medford Parochial, incorporated	505
Maple Grove, in Westport, incorporated	648
Newton, may purchase certain land	432

	Page
Central Cemetery Association of Randolph, incorporated	262
Central district court of Worcester, doings of William B. Harding as assistant clerk of, confirmed	66
Central Mutual Fire Insurance Company of Worcester, time for closing business affairs extended	140
Central Wharf and Wet Dock Corporation, charter amended	624
Centre school district of Great Barrington, first meeting of	33
Change of names of persons 106, 219, 348, 462, 596,	703
Chapin Banking and Trust Company of Springfield, charter amended	209
Charles River, freight bridge of Boston and Lowell Railroad across, may be widened	242
harbor lines established on	301
Charles River Embankment Company, incorporated	743
Charles River Promenade, may be constructed	725
Chatham, town of, election of moderator, confirmed	253
may build bridge across Oyster Pond River	105
Chelsea, city of, aldermen to be elected at large	4
board of overseers of the poor established in	126
Third Congregational Church in, incorporated	239
sewerage in, relating to	414
transportation of gunpowder through, regulated	577
charter revised	727
Chelsea Bridge, may be reconstructed by Boston and Chelsea	41
maintenance of	242, 531
Cheese Cake Brook, channel may be widened and deepened	150
Chesterfield, town of, election of town officers ratified	74
Chicopee Falls, village of, water supply for	779
Chicopee Water Company, incorporated	152
Children, Nickerson Home for, name established	406
Children's Aid Association, Hampden County, may be given custody of certain children	567
Children's Hospital, in Boston, may hold additional estate	609
Chronic Insane, Asylum for, established	207
Church, Egleston Square Methodist Episcopal, the trustees of, election and organization confirmed	421
Saint John's, Boston Highlands, incorporated	631
Saint Paul's, in Boston, interments under, prohibited	371
United Presbyterian, of North America, Trustees of General As- sembly of, may hold real estate in Massachusetts	258
Citizens Exchange of Worcester, incorporated	33
City of Brockton, incorporated	711
City of Cambridge, part of town of Belmont annexed to	555
City of Lawrence, part of Andover annexed to	365
part of North Andover annexed to	366
City of Malden, incorporated	681
City of Lowell, part of town of Dracut annexed to	417
City of Taunton, portion of, annexed to town of Berkley	416
Claim of Edwin Adams against the Commonwealth, submitted to arbi- tration	168

	Page
Clapp, George, claims of, against the Commonwealth, submitted to arbitration	345, 431
Clarendon Hills Evangelical Society, name changed to Clarendon Hills Congregational Society of Hyde Park	652
Clark W. Bryan Company, name changed to Springfield Printing Company	488
Clergymen, Aged and Destitute, Society for the Relief of, the Fay Fund may be transferred to	489
Clinton, town of, water supply for	34, 612
laying out of town ways in, legalized	182
Cohasset, town of, protection of shores and beaches in	300
eel fisheries in, regulated	128
Collar Company, American Molded, may reduce par value of shares	247
Collateral Loan Company, election and appointment of directors	2
College, Harvard, property may be conveyed to, by Museum of Comparative Zoölogy	16
non-inhabitants of state eligible as overseers of	495
College, Massachusetts Agricultural, granted thirty-two thousand dollars,	445
College of Pharmacy, Massachusetts, charter extended	5
change of time for holding annual meeting	614
College, Tufts, number of members of corporation not to exceed thirty	242
College, Wellesley, may confer degrees and diplomas	123
College, Williams, the Trustees of the Delta Psi Society of, may hold meetings in city of New York	369
the Trustees of the Sigma Phi Society of, may hold meetings in city of New York	377
Trustees of the Chapter of the Alpha Delta Phi Fraternity in, incorporated	403
Commissioner for Massachusetts, in Connecticut, Henry E. Taintor, acts confirmed	235
Commissioners, county, of Barnstable, may build bridge across Broad Nook	17
may borrow money to construct jail and house of correction	294
Commissioners, county, of Essex, may reconstruct bridge across Merrimac River	676
may build bridge across Ipswich River	43, 620
Commissioners, county, of Franklin, may borrow money to enlarge the jail	431
may borrow money for expenses in relation to Sunderland Bridge	177, 210, 247
may appropriate money for law library	234
to pay eight hundred dollars to towns of Montague, Erving, and Northfield	18
may abolish tolls on Connecticut River Bridge	267
Commissioners, county, of Hampden, may borrow money to build bridges across Connecticut River	236, 369
Commissioners, county, of Middlesex, may borrow money to build registry of deeds	145
Commissioners, county, of Worcester, may borrow money for addition to court-house	245

	Page
Commissioners, harbor, may contract for dredging off shoals in Boston harbor	47
may authorize Boston Land Company to make improvements in harbor, etc.	205
Commissioners, land, may convey certain land in Boston	304
may sell single lots of land on Back Bay	426
Commonwealth's flats at South Boston, to facilitate sale and use of	585
Commonwealth's Flats Improvement Fund, established	319
Commonwealth's right to take stock in Boston and Albany Railroad, may be sold	323
Commonwealth's land in Boston may be sold to New York and New England Railroad	591
Concord, town of, may raise money to complete water works	143
Concord River, sewage of state prison not to be discharged into	234
Connecticut Central Railroad Company, provisions affecting	15
Connecticut River, tributaries of, obstructions to passage of fish in	18
bridge across, at Turner's Falls, time for construction extended	44
bridge across, at Turner's Falls, may be relocated and constructed,	171
bridge across, between Springfield and West Springfield, commissioners of Hampden county may borrow money to build	236
fisheries in, regulated	301, 317, 621, 656
use of sweep seines in, regulated	301
free bridge across, between Springfield and Agawam	369, 571
Connecticut River Bridge, between Deerfield and Montague, tolls abolished	267
Connecticut River Railroad, crossing of Clay Hill Street in Greenfield	446
provisions affecting	67
Connecticut River, and Vermont and Massachusetts Railroads, grade crossing at Deerfield	418
Connecticut Valley Railroad Company, provisions affecting	15
Continental, Worcester, incorporated	403
Coroner Charles G. Dillingham, acts confirmed	132
Cottage City, town of, incorporated	480
Cotton and Woolen Manufacturers Mutual Insurance Company of New England, charter amended	135
County commissioners, Barnstable, may build bridge across Broad Nook	17
Barnstable, may borrow money to construct jail and house of correction	294
Essex, may build bridge across Ipswich River	43, 620
Essex, may reconstruct bridge across Merrimac River	676
Franklin, to pay eight hundred dollars to towns of Montague, Erving, and Northfield	18
Franklin, may abolish tolls on Connecticut River Bridge	267
Franklin, may borrow money to enlarge the jail	431
Franklin, may borrow money for expenses in relation to Sunderland Bridge	177, 210, 247
Franklin, may appropriate money for law library	234
Hampden, may borrow money to build bridges across Connecticut River	236, 369

	Page
County commissioners, Middlesex, may borrow money for erection of registry of deeds	145
Worcester, may borrow money for addition to court-house	245
Court, district, Central Berkshire, town of Washington within jurisdiction of	657
first, of Bristol, sessions at Attleborough	186, 504
second and third, of Bristol, concurrent jurisdiction in Westport and Freetown	299
second, of Eastern Middlesex, established	662
first, of Northern Middlesex, civil terms of	878
first, of Plymouth, appointment of clerk confirmed	146
second, of Plymouth, sessions of court	485
fourth, of Plymouth, sessions and adjournments of	504
central, of Worcester, doings of William B. Harding as assistant clerk, confirmed	66
Court, municipal, of East Boston, town of Winthrop set off from jurisdiction of	183
Court, police, Gloucester, clerk to be appointed	197
Haverhill, civil terms of	143
Holyoke, clerk to be appointed	669
Newton, established	75
Court, probate, Barnstable county, times and places of holding sessions	147
Bristol county, terms of court at Fall River	281
Plymouth county, terms of court	738
Suffolk county, terms of court	285, 660
Worcester county, additional terms of court at Fitchburg	286
Court, supreme judicial, matters arising in Dukes and Nantucket, may be heard and determined in Bristol county	297
Court, superior, may hold sessions by adjournment at Bridgewater	490
Courts, municipal, of the city of Boston, civil jurisdiction of	74, 185, 412
criminal and civil jurisdiction of	100, 244
clerks, assistant clerks and constables of	444, 629
may commit to house of industry instead of to house of correction, appointment of constables for	612
Court-house for Suffolk county, city of Boston may take land for	771
Cow's River, owners of meadow lands lying on, incorporated	520
Cow's River, owners of meadow lands lying on, incorporated	587
Cowell, David L., clerk of first district court of Plymouth, appointment confirmed	146
Cranberry Company, Sesuet, incorporated	788
Crane, Thomas, Public Library in the town of Quincy, Trustees of, incorporated	554
Cruelty to Animals, Society for Prevention of, may establish a dog shelter in Boston	777
may kill abandoned animals	780
Cummington, town of, Bryant Free Library in, incorporated	44
may raise money for celebration of centennial anniversary of its incorporation	413

D.

	Page
Dairy Company, Massachusetts, incorporated	726
Danvers, Insane Hospital at, water supply for	78
disposition of sewage at	166
support and maintenance of	212
government of, vested in five trustees	217
Danvers Railroad, may sell franchise and property to Boston and Maine Railroad	48
Davis, John A., town of Foxborough may appropriate money for widow and children of	380
Dean's River, in Essex, bridge over, may be constructed	490
Dedham Water Company, incorporated	57
Deer Island, persons confined at, may be employed at Winthrop Farm	196
Deerfield, town of, relocation of Troy and Greenfield Railroad in	67
Deerfield Academy and Dickinson High School, Trustees of, incorporated,	34
Deerfield River, use of sweep seines in, regulated	301
Delta Psi Society of Williams College, the trustees of, may hold meetings in city of New York	369
Dennis and Yarmouth, regulation of fisheries in Bass River, in	514
Dickinson High School, Deerfield Academy and, Trustees of, incorporated,	34
Dike across East Harbor, in Truro, protection of	304
Dike in the town of Westfield, may be constructed	406
Dillingham, Charles G., acts done as coroner, confirmed	132
District court, Central Berkshire, town of Washington within jurisdiction of	657
first, Bristol, sessions of, at Attleborough	186, 504
second and third, Bristol, concurrent jurisdiction in Westport and Freetown	209
first, Northern Middlesex, civil terms of	378
second, Eastern Middlesex, established	662
first, Plymouth, appointment of clerk confirmed	146
second, Plymouth, sessions of the court	435
fourth, Plymouth, sessions and ajournments of	504
central, Worcester, doings of William B. Harding as assistant clerk of, confirmed	66
Dock and Elevator Company, East Boston Railway, incorporated	780
Hoosac Tunnel, incorporated	450, 515
Dog shelter, may be established in Boston	777
Dorchester, Catholic Cemetery Association in, name changed	123
Dover Street Bridge, in Boston, may be reconstructed	41
Downer Landing, in Hingham, within jurisdiction of courts of Suffolk county	533
Dracut, town of, part of, annexed to city of Lowell	417
Dudley, town of, certain acts confirmed	561
Dukes county, matters before the supreme judicial court in, may be determined in Bristol county	297
fisheries regulated in tidal waters of	495
authority to lease great ponds in, repealed	504

INDEX.

825

	Page
Duxbury, town of, may establish a sinking fund	6
Duxbury and Cohasset Railroad, may be purchased by the Old Colony Railroad Company	297
Duxbury and Plymouth, Salter's Beach in, protection of	746
Dwinnell, Benjamin D., allowance for losses connected with the burning of Fitchburg jail	182

E.

East Abington Baptist Society, name changed	138
East Boston, municipal court of, town of Winthrop excluded from jurisdiction of	188
East Boston Railway Dock and Elevator Company, incorporated	780
East Bridgewater, town of, fisheries regulated	240
East Cambridge Land Company, charter extended	522
East Harbor Creek, in Truro, dike across, protection of	304
East Haven Company, incorporated	749
East Randolph Cemetery, name changed	29
East Weymouth Five Cents Savings Bank, name changed to East Weymouth Savings Bank	507
Eastern Railroad, for the relief of, and securing its debts and liabilities, 88, directors of, mode of filling vacancies in board of	213
may make new leases of railroads, out of the state, at present leased or operated by it	245
may make certain contracts with the Boston and Maine Railroad	558
Eastern and Fitchburg Railroads, indenture between, ratified	668
Eastham, town of, alewife fishery in	375
Edgartown, town of, eel fishery in, protected	393
South Beach in, may be ditched, and flow of water regulated between Great Pond and the ocean	631
Edgartown and Tisbury, towns of, maintenance of Lagoon Bridge by	284
Eel fishery in the town of Edgartown, protected	393
in Eel River, in Plymouth, regulated	16
in Herring River and tributaries, in Wellfleet, regulated	130
in Ipswich River and tributaries, in the town of Ipswich, regulated,	306
in Jones River, in Kingston, regulated	9
in Mattapoisett, regulated	141
in Mushquashuit Creek, in Scituate and Cohasset, regulated	128
in North River and tributaries, in county of Plymouth, protection of	377
Egleston Square Methodist Episcopal Church, the Trustees of, election and organization confirmed	421
Elevator Company, East Boston Railway Dock and, incorporated	780
Hoosac Tunnel Dock and, incorporated	450, 515
Ocean Terminal Railroad Dock and, incorporated	760
Ely, Lyman A., acts done as justice of the peace, confirmed	264
Embankment Company, Charles River, incorporated	743
Emery Company, Alden, name changed to Walpole Emery Mills	617
Episcopal Charitable Society, Boston, may hold additional estate	491

	Page
Erving, Montague and Northfield, towns of, maintenance by, of bridge near mouth of Miller's River	18
Essex, town of, fisheries in Mill River, in, protected	391
may raise money to pay soldiers' bounties	479
bridges over Dean's River and Hog Island River in, construction of,	490
Evangelical Lutheran Trinity Church of the Unaltered Augsburg Confession, in Boston, organization confirmed	779
Everett Congregational Society, name established, and conveyances ratified	235
Exchange, Boston Produce, incorporated	124
Citizens, of Worcester, incorporated	33
Massachusetts Fish, incorporated	617
Mechanics', incorporated	628
New England Furniture, incorporated	384

F.

Fall River, city of, may lay out a way through a private burial ground,	66, 164
charter revised; acts rejected	78, 320
charter amended	637
may fund floating debt	266
Old Colony Railroad may take land in	613
fisheries in, regulated	155
Fall River Insurance Brigade, incorporated	394
Fall River Railroad Company, may sell or lease its road	39
Fall River Street Railway Company, charter revived; may issue bonds	391
Fall River, Warren and Providence Railroad, may sell franchise and property to Old Colony Railroad Company	55
to build bridges over Cole's and Lee's Rivers, upon plans approved by harbor commissioners	436
Falmouth, town of, construction of bridges over rivers in	164
Falmouth and Sandwich, towns of, boundary lines established	514
Family Bank, Massachusetts, incorporated	62
charter amended	183
Faneuil Hall Insurance Company, may take marine risks	380
Farmer and Gardner Manufacturing Company, name changed	615
Fay Fund, may be transferred to the Society for the Relief of Aged and Destitute Clergymen	489
Ferry across Merrimack River, may be maintained by the Haverhill and Groveland Street Railway Company	623
Fidelity Assurance Company of Massachusetts, incorporated	179
charter amended	286
time for paying in capital stock extended	450
Fire department of Boston, members may be retired upon pensions	509
Fire district, in the town of Lee, old district abolished, and new district established; act rejected	303
in the town of Lenox, may be established	309
in the town of Pittsfield, sidewalks, sewers and drains in	274
Fire district number one, in the town of Greenfield, boundaries established	331

	Page
Fire district number one, in South Hadley, limits changed	72
First Congregational Society in South Hadley Falls and the South Religious Society in South Hadley, united under name of the Congregational Society in South Hadley Falls	370
First district court of Bristol, sessions at Attleborough	186, 504
Plymouth, appointment of clerk confirmed	146
Northern Middlesex, civil terms on first and third Mondays in each month	378
First Baptist Church of Quincy, incorporated	509
First Baptist Society of Brighton, name changed	309
First Congregational Society of Lee, doings confirmed	460
in Mansfield, trustees may sell meeting-house	144
in Marion, name established	272
First Orthodox Congregational Society of Merrimac, name established	375
Fish Exchange, Massachusetts, incorporated	617
Fish in the tributaries of Connecticut and Merrimack Rivers, obstructions to passage of	18
Fisheries, in the Agawam and Half-way Pond Rivers, regulated	70
Bass River, in Dennis and Yarmouth, regulation of	514
towns of Bridgewater, East Bridgewater and West Bridgewater, regulated	240
Connecticut River, regulated	301, 317, 621, 656
counties of Dukes county, Bristol, Plymouth and Barnstable, regulated	494
town of Halifax, regulated	240
Job's Neck and Great Ponds, in Edgartown, concerning	631
Lake Quannapowitt, regulated	124
Merrimack River, regulated	18, 301, 656
Mill River and tributaries, in town of Essex, protected	391
Miller's River, regulated	301
Nashua River, regulated	301
Nemasket River, regulated	77
North River, in Plymouth county, regulated	40, 155, 377, 619
Saugus River and tributaries, regulated	124
Taunton Great River, regulated	77, 881
Watuppa Pond, in Fall River and Westport, regulated	155
Westfield River, regulated	301
Weweantit River and tributaries, regulated	172
Fisheries, alewife, in Eastham, established	375
Fisheries, alewife or herring, in Hummock Pond, in Nantucket, regulated	17
Fisheries, alewife and ehad, in Monataquot River, in Braintree, regulated,	162
Fisheries, eel, in Edgartown, protected	393
Eel River, in Plymouth, regulated	16
Herring River and tributaries, in Wellfleet, regulated	130
Ipswich River and tributaries, regulated	306
Jones River, in Kingston, regulated	9
Mattapoissett, regulated	141
Mushquashuit Creek, in Scituate and Cohasset, regulated	128
North River and tributaries, in Plymouth county, regulated	377

	Page
Fisheries, perch, in town of Plymouth, regulated	390
Fisheries, shell, on shores and flats of Thompson's Island, in Boston harbor	254
Fishing Company, Long Pond, in Yarmouth, charter amended	620
Nine Mile Pond, fisheries regulated	397, 617
Fitchburg, city of, terms of probate court in	286
Fitchburg Railroad Company, time extended for taking certain land, may extend branch road over land of the Commonwealth at Concord	49, 507
may arrange by agreement with Connecticut River Railroad concerning grade crossing of Vermont and Massachusetts Railroad at Deerfield	418
may build bridge over a portion of Miller's River	418
indenture with Eastern Railroad ratified	494
may change location in Belmont	668
provisions affecting	680
Flats of the Commonwealth at South Boston, to facilitate sale and use of, Flats in Boston harbor, may be granted to Boston Land Company	336, 340
Forbes, Charles E., town of Northampton may adopt and execute will of, Forbes Library, in Northampton, incorporated	585
Foreign Missions, American Board of Commissioners for, may hold additional real and personal estate	205
Foster Street, in the city of Worcester, extension of	758
Fourth Congregational Precinct in Rochester, name changed	768
Fourth district court of Plymouth, sessions and adjournments of	484
Fourth Universalist Meeting-house in Boston, Proprietors of, name changed	382
Foxborough, town of, may appropriate money for widow and children of John A. Davis	272
village of, water supply for	504
Framingham, town of, state muster-field in, licensing of vehicles for conveyance of passengers to and from	12
water supply for	390
Plymouth Society in, may hold real estate for a parsonage	421
Framingham and Lowell Railroad Company, may issue preferred stock	405, 630
purchasers of road, etc., may organize new corporation	740
Francis, Charles F. A., may recruit one company of infantry	140
Franklin county, commissioners may borrow money for expenses in relation to Sunderland Bridge	287
commissioners may appropriate money for law library of	696
commissioners may abolish tolls on Connecticut River Bridge	157
commissioners may borrow money to enlarge the jail in	177, 210, 247
Frederickton Steamboat Company, name changed	234
Free Library, Bryant, incorporated	267
Freetown, town of, concurrent jurisdiction in, of second and third district courts of Bristol	431
Friars Minor of the Order of St. Francis, of New York, may hold real estate in this state	479
Frothingham, Edward G., acts as justice of the peace, confirmed	44

INDEX.

829

	Page
Furniture Exchange, New England, incorporated	384
Fusilier Veteran Association, incorporated	299

G.

Gardner, town of, Severy school fund in, concerning	491
Gas Company, Lawrence, charter amended	133
Gas Light Company, Manufacturers, of Fall River, incorporated	532
Newton and Watertown, may lay pipes in Weston and Needham, and increase capital stock	658
Glades Association, incorporated	20
Globe Rubber Company, name changed	612
Gloucester, town of, harbor lines changed	46
police court of, clerk to be appointed	197
water supply for	555, 677
Gloucester Street Railway Company, incorporated	778
Gloucester Water Supply Company, incorporated	677
Gloucester and Rockport, pilots of, to make returns to port wardens	526
Goldthwait's Brook, alterations in, may be made by town of Peabody	524
Grace Methodist Episcopal Free Church, The, of Worcester, name estab- lished	331
Great Barrington, centre school district of, first meeting of	33
Great Pond and Job's Neck Pond, in Edgartown, fisheries in	631
Green, Henry W., town of Stoneham may pay a bounty to	550
Green Harbor Marsh in Marshfield, provisions of law relating to, to be enforced	202
Green Harbor River, in Marshfield, authority to build bridge over, re- pealed	771
Greenfield, town of, may raise money to reimburse the Commonwealth for land taken for a railroad	61, 335
fire district number one in, boundaries established	331
relocation of Troy and Greenfield Railroad in	67
reimbursement for land damages ; passenger station in	335, 575
union freight depot in	338, 432
crossing of Clay Hill Street in, by Troy and Greenfield and Con- necticut River Railroads	446
Groton, town of, doings of, legalized	78

H.

Half-way Pond River, fisheries in, regulated	70
Halifax, town of, fisheries in, regulated	240
Hamilton Manufacturing Company of Lowell, may increase capital stock	122, 616
Hampden, town of, incorporated	259
Hampden, The First Congregational Society of, name established	649
Hampden county, may borrow money to build bridges across Connecticut River	236, 369, 571

	Page
Hampton County Children's Aid Association, may be given custody of	
certain children	567
Hanover and Barnstable towns of, boundary line between, established . .	257
Hanover and Barnstable towns of, boundary line between, estab-	
lished	233
Harbor commissioners, may contract for dredging off shoals in Boston	
harbor	47
may authorize Boston Land Company to make improvements in	
Boston harbor, etc.	205
Harbor, Boston, commissioners may contract for dredging off shoals in .	47
regulations concerning	157
terminal jurisdiction over islands and waters of	244
harbor lines established in	535
Harbor lines in Cape Cod harbor, in Provincetown, changed	139
Charles River, established	301
Doucester harbor, changed	46
Harbor master, for the port of Newburyport	7
for the port of New Bedford	10
for the port of Lynn	419
at Oak Bluffs, Martha's Vineyard	415
for the port of Salem	28
Harbor improvement loan, to be called in and paid by the treasurer .	381
Harlow, William B., acts and doings of, as assistant clerk of the central	
district court, confirmed	66
Hartford and Connecticut Valley Railroad Company, may build a rail-	
road in Massachusetts	660
Harvard Chapel, proprietors of, may sell real and personal estate . .	367
Harvard College, property may be conveyed to, by Museum of Comparative	
Zoology	16
persons of, non-inhabitants of the state eligible as	495
city of, police court in, civil terms of	143
water amended	364
may establish a hospital	502, 655
may occupy portion of a public landing, etc.	665
Sagitt Religious Society in, may convey real estate	709
and Groveland Street Railway Company, may maintain a ferry	
across Merrimack River	623
Massachusetts Public, incorporated	411
and tributaries, in Wellfleet, eel fishery in, regulated	130
Street Railway, may obtain locations of tracks in Brookline . .	403
may increase capital stock	408
may supply water for; acts rejected	50, 120
may maintain road and dam across Broad Cove	147
proceeds of sale of lands in, heretofore applied to the support of	
schools and the poor, to be used for town purposes	479
Cemetery, may hold additional estate	140
Wharf Company, incorporated	397, 627
Wharf and Land Company, may exclude tide water from	
basin	147

	Page
Hinsdale, Public Library Association of, election of directors, etc.	654
Historical Society, Massachusetts, may hold additional estate	123
Hog Island River, construction of bridge over	490
Holbrook Union Cemetery, name established	20
Holmes Hole Union Wharf Company, name changed to Vineyard Haven Wharf Company	617
Holyoke, town of, water commissioners and trustees of sinking fund to choose treasurers, etc.	315
police court of, office of clerk established	669
Home, for Aged Men, may hold additional estate	616
for Aged Women in Waltham, incorporated	373
for Aged Females in Worcester, the trustees of, charter amended,	368
for Children, Nickerson, name established	496
Hoosac Tunnel Dock and Elevator Company, incorporated	450, 515
Hoosac Tunnel (see Troy and Greenfield Railroad).	
Hoosac Valley Agricultural Society, to be paid the state bounty	509
Hopkinton, town of, water supply for	160
Hospital, City, of the city of Boston, Trustees of, incorporated	545
Hospital, Children's, in Boston, may hold additional estate	669
Hospital, city of Haverhill may establish	502, 655
Hospital, Salem, property of Salem Dispensary may be transferred to	7
Hospital, insane, at Danvers, water supply for	78
maintenance of	212
government of, vested in five trustees	217
disposition of sewage at	166
Hospital, insane, in north-eastern part of the Commonwealth, concerning,	100, 213
Hospital, insane, at Worcester, appropriation for completion of	79
Hospital Life Insurance Company, Massachusetts, charter amended	647
Hotel, Cattle Fair, in Brighton, may be discontinued as a public house	126
Housatonic Railroad Company, to construct a station at Stockbridge	753
Housatonic River, use of sweep seines in, regulated	301
Hull, town of, protection of shores and beaches in	300
water supply for	399
Hummock Pond, in Nantucket, alewife fishery in, regulated	17
Hyde Park, Clarendon Hills Congregational Society of, name estab- lished	652

I.

Idiotic and Feeble-Minded Youth, Massachusetts School for, appoint- ment of trustees for	285
Immanuel Congregational Society, name established	235
Improvement Company, South Bay, incorporated	134
Industrial school at Lawrence, directors of, may bind out boys as appren- tices	70
Insane hospital in the north-eastern part of the Commonwealth, con- cerning	100, 213
Insane hospital in Danvers, water supply for	78

	Page
Insane hospital in Danvers, support and maintenance of	212
government of, vested in five trustees	217
disposition of sewage at	166
Insane hospital at Worcester, appropriation for completion of	79
Institute, Peabody, in Peabody, incorporated	674
Institute of Technology, Massachusetts, buildings of, in Boston, to be erected within two years	166
time extended for erection of buildings in Boston	439, 657
Insurance Brigade, Fall River, incorporated	394
INSURANCE COMPANIES:	
Central Mutual Marine, of Worcester, time for closing business affairs extended	140
Cotton and Woolen Manufacturers Mutual, of New England, charter amended	135
Faneuil Hall, may take marine risks	380
Massachusetts Hospital Life, charter amended	647
Massachusetts Mutual, name changed to Massachusetts Mutual Fire	778
Mutual Boiler, of Boston, incorporated	163
New Bedford Marine, incorporated	30
International Trust Company, incorporated	409
may invest money as savings banks are allowed to invest	629
Intoxicating liquors seized by sheriffs, disposition of	165
Ipswich River, in Ipswich, bridge across, may be constructed by county commissioners	43, 620
eel fishery in, regulated	306
Iron Company, Bay State, may increase capital stock	5
may reduce par value of capital stock	478
Isinglass and Glue Company, Cape Ann, in Rockport, name changed to Cape Ann Isinglass Company	382

J.

Jail of Berkshire county, workshop may be built at	157
Jamaica Plain Savings Bank, dissolved	558
Jamaica Pond Aqueduct Corporation, charter amended	128
James Otis Savings Bank, in Barnstable, incorporated	545
Justice of the peace, Lyman A. Ely, acts confirmed	264
Edward G. Frothingham, acts confirmed	136
Harvey Kirkland, acts confirmed	236
Matthew J. McCafferty, acts confirmed	618
James W. Stockwell, acts confirmed	144

K.

Kingston, town of, eel fishery in Jones River in, regulated	9
Kirkland, Harvey, justice of the peace, acts confirmed	236

L.

	Page
Ladies' American Home Education Society and Temperance Union, name changed	496
Lagoon Bridge, between Tisbury and Edgartown, maintenance of . . .	284
Lake Quannapowitt, fisheries in, regulated	124
Lancaster Railroad Company, mortgage confirmed	166
charter revived, etc.	380, 670
Land of the Commonwealth on Back Bay, may be sold in single lots . .	426
in North Adams, right of way over, granted to Albert G. Browne .	317
at Concord, Fitchburg Railroad may extend branch road over . .	418
in Boston, may be occupied by city for a public library	561
in Boston, may be purchased by the New York and New England Railroad	591
in Boston, reserved for the erection of a state normal art school building	562
in Worcester, may be taken for widening street	668
Land commissioners, may convey certain lands in Boston	304
may sell single lots of land on Back Bay	426
Land Company, Boston, may make improvements in harbor of Boston, and receive grants of certain flats	205
East Cambridge, charter extended	522
Land-Ownership, Board of Aid to, incorporated	205
Landing place, public, in Bradford, discontinued	13
in Lynn, discontinued	307
Lanesborough, town of, distribution of ministerial fund in	287
Law library of Franklin county, county commissioners may appropriate money for	234
Lawrence, city of, may issue additional water bonds	26
industrial school at, relating to	70
part of Andover annexed to	365
part of North Andover annexed to	366
Lawrence Gas Company, charter amended	133
Lee, town of, may purchase property of Berkshire Water Company . .	646
fire district in, abolished, and new district established; act rejected,	303
Lee Water Company, incorporated	287
Lee and Hudson Railroad Company, charter revived	564
Lenox, town of, a fire district may be established in	309
Lexington, town of, may raise money to meet expenses of draining certain meadows	259
Lexington and Arlington Railroad, may be crossed at grade by the Massachusetts Central Railroad	534
Lexington Water Company, incorporated	772
Library, Bryant Free, incorporated	44
Forbes, in Northampton, incorporated	768
Newton Free, may be transferred to city of Newton	4
Library, Public, of the city of Boston, may occupy land of the Commonwealth	561
Library Association, Mercantile, of Boston, charter amended	1

	Page
Library Association, Public, of Hinsdale, charter amended . . .	654
Library, law, of Franklin county, appropriation for benefit of . . .	234
Licensing of drivers and conductors of horse cars in Boston . . .	506
Life Insurance Company, Massachusetts Hospital, charter amended . .	647
Linen Company, American, organization confirmed	484
Linen Manufacturing Company, American, corporation revived for conveyance of estate	484
Liquors, intoxicating, seized by sheriffs, disposition of	185
Litchfield Shuttle Company, of Southbridge, name changed to The Litchfield Shuttle Company	385
Little Wanderers, Baldwin Place Home for, in addition to incorporate .	31
Loan Company, Collateral, election and appointment of directors . . .	2
Loan and Fund Corporation, Builders', charter revived to discharge a mortgage	245
Loan and Trust Company, American, incorporated	643
Massachusetts, charter amended	653
Locks and canals on Merrimack River, Proprietors of, may purchase, etc., property in New Hampshire	512
Long Pond Fishing Company, in Yarmouth, charter amended	620
Lowell, city of, Boston and Lowell Railroad may use steam as motive power on branches in	156
charter amended	397, 656
part of town of Dracut annexed to	417
may maintain public urinals	511
Pawtucket Society in, name established	45
Lowell and Lawrence Railroad, crossing tracks of Boston and Maine at South Lawrence	330
may sell franchise and property to Boston and Lowell Railroad . . .	370
Lynn, city of, public landing place in, discontinued	307
may raise funds to complete water works	523
harbor master for port of	419
Lynn Workingmen's Aid Association, incorporated	550
Lynn and Boston Railroad, may take new lease of Winnisimmet Railroad, may issue bonds, etc.	368
may purchase real estate, etc.	528
	673

M.

Main Street Methodist Episcopal Church of Worcester, name changed . .	331
Malden, town of, may issue additional water fund bonds	78
part of Medford annexed to	170
boundary line established between Medford and	236
water loan sinking fund, to be established	246
city charter granted to	681
Malden and Medford Parochial Cemetery Association, incorporated . .	505
Mansfield, First Congregational Society in, trustees may sell meeting-house	144
Manufacturers Gas Light Company of Fall River, incorporated	532

	Page
MANUFACTURING CORPORATIONS:	
American Linen Company, organization confirmed	484
American Linen Manufacturing Company, corporation revived for conveyance of estate	484
Bay State Iron Company, may increase capital stock	5
Bay State Iron Company, may reduce par value of capital stock	478
Farmer and Gardner Manufacturing Company, name changed	615
Hamilton Manufacturing Company of Lowell, may increase capital stock	122, 616
National Button Company, name changed to Williston and Knight Company	490
Potomska Mills Corporation, may increase capital stock and issue special stock	125
Simonds Manufacturing Company, may manufacture saws and edge-tools	381
Springfield Sewing Machine Company, name established	615
Sutton Manufacturing Company, proceedings confirmed	506
Maple Grove Cemetery, Proprietors of, incorporated	269
Maple Grove Cemetery Association, in the town of Westport, incorporated,	648
Marblehead, town of, may raise money for a portrait and commemorative tablets, etc.	258
five firewards to be elected in	491
may lay out a public park	671
Marine Insurance Company, New Bedford, incorporated	30
Marion, First Congregational Society in, name established	272
Marlborough, town of, water supply for; act rejected	550
Marshfield, town of, Green Harbor Marsh in, provisions concerning, to be enforced	202
Green Harbor River in, authority to build bridge over, repealed	771
Martha's Vineyard, pilots of, to make returns to port wardens	526
Mashpee, town of, expenses of commissioners provided for	247
proceeds of sale of lands in, to be divided by commissioners	331
Massachusetts Agricultural College, granted thirty-two thousand dollars,	445
Massachusetts Anglers' Association, name changed	146
Massachusetts Baptist Convention, election of officers	367
Massachusetts Central Railroad, time extended for application for damages for land taken by	72, 241
location and construction of	135, 443, 653, 710
may cross Lexington and Arlington Railroad at grade	534
may extend road from Amherst to Troy and Greenfield Railroad	443
may change location in Belmont	680
Massachusetts College of Pharmacy, charter extended	5
time for holding annual meeting changed	614
Massachusetts Charitable Mechanic Association, may erect a wooden building in Boston	316
Massachusetts Dairy Company, incorporated	726
Massachusetts Family Bank, incorporated	62
charter amended	183
Massachusetts Fish and Game Protective Association, name established,	146

	Page
Massachusetts Fish Exchange, incorporated	617
Massachusetts Historical Society, may hold additional estate	123
Massachusetts Hospital Life Insurance Company, charter amended . .	647
Massachusetts Institute of Technology, buildings to be erected within two years	166
time extended for erection of buildings	439, 657
Massachusetts Loan and Trust Company, charter amended	653
Massachusetts Mutual Fire Insurance Company, name established . . .	778
Massachusetts Mutual Insurance Company, name changed	778
Massachusetts Public Health Association, incorporated	411
Massachusetts School for Idiotic and Feeble-Minded Youth, appointment of trustees for	285
Mattapoisett, town of, eel fisheries in, regulated	141
bridge between Brandt Island and main land may be built	657
McCafferty, Matthew J., acts done as a justice of the peace, confirmed .	618
Meadow lands lying on Cow's River, owners of, incorporated	587
Miles River, owners of, incorporated	589
Neponset River, owners of, incorporated	26
Mechanic Association, Massachusetts Charitable, may erect a wooden building in Boston	316
Mechanics' Exchange, incorporated	628
Medford, town of, water loan sinking fund to be established	246
part of, annexed to Malden	170
may raise money to celebrate anniversary of settlement	503
may build bridge across Mystic River	379
fish committee to consist of three inhabitants	380
nuisance in, to be abated	790
Medford and Charlestown, and Middlesex Railroads, may unite	507
Medford and Malden, towns of, boundary line established	236
Melrose, town of, water loan sinking fund to be established	246
Men, Aged, Home for, may hold additional estate	616
Mercantile Library Association, of Boston, charter amended	1
Mercantile Wharf Corporation, in Boston, charter extended	20
Merrimac, town of, incorporated	50
Merrimac Savings Bank, name established	123
Merrimac Valley Steamboat Company, name established	479
Merrimack River, tributaries of, obstructions to passage of fish in . .	18
use of sweep seines in, regulated	301
ferry across, between Haverhill and Groveland	623
bridge across, between Groveland and Haverhill, may be recon- structed	676
bridge of the Boston and Maine Railroad over, at Haverhill	772
Merrimack River and tributaries, fisheries regulated	656
Methodist Episcopal Church, Egleston Square, in Boston, election of trustees, etc., confirmed	421
Woburn Society of, organization and acts confirmed	428
trustees of, in Winchendon, may convey parsonage	446
Methuen, town of, appropriation of money by, confirmed	127
Metropolitan Railroad Company, may issue bonds	156

	Page
Middleborough, town of, Pierce Academy in, may hold additional estate, water supply for; acts void	237 368, 526
Middlesex Central Railroad, may cross land of the Commonwealth, in Concord	365
Middlesex county, commissioners may borrow money for a registry of deeds	145
records of attachments to be transferred from clerk's office to registry of deeds for the southern district of	448
Middlesex, Eastern, second district court of, established	662
Middlesex, Northern, first district court of, civil terms of	378
Middlesex Railroad, to assign lease of Boston and Chelsea Railroad to Lynn and Boston Railroad	390
may unite with the Medford and Charlestown Railroad	507
Middlesex Railroad, Somerville Horse Railroad, and Union Railway Companies, leases between, ratified	18
Miles River, owners of meadow lands lying on, incorporated	539
Millford Water Company, incorporated	634
Mill River and tributaries, in the town of Essex, protected	391
Militia, company of, may be recruited by Charles F. A. Francis	157
Miller's River, bridge near mouth of, maintenance of	18
use of sweep seines in, regulated	301
Milton Academy, election of trustees; additional real and personal estate, Ministerial fund in the town of Lanesborough, distribution of	492 237
Missions, American Board of Foreign, commissioners of, may hold additional real and personal estate	484
Monataquot River, in Braintree, fisheries in, regulated	162
Montague, Erving and Northfield, towns of, to keep in repair bridge near mouth of Miller's River	18
Montgomery Guard, incorporated	169
Monument Association, Standish, charter amended	140
Moon Island, in Boston harbor, sewer to be built discharging at	56, 434
Mount Auburn Cemetery, Proprietors of, in addition to incorporate	43
Municipal court of East Boston, town of Winthrop set off from jurisdiction of	183
Municipal courts of the city of Boston, civil jurisdiction of	74, 183, 412
criminal and civil jurisdiction of	100
criminal jurisdiction of, over waters and islands of harbor	244
clerks and assistants and constables for	444, 629
may sentence to imprisonment in House of Industry, etc.	612
appointment of constables for	771
Museum of Comparative Zoölogy, trustees of, may convey property to Harvard College	16
corporation dissolved	119
Mushquashuit Creek, and tributaries in Scituate and Cohasset, eel fisheries in, regulated	128
Muster-field, in Framinhhham, vehicles for conveyance of passengers to and from, to be licensed	405, 630
Mutual Benefit Association, Boston and Worcester Railroad, act of incorporation amended	126

Mutual Boiler Insurance Company of Boston, incorporated . . .	Page 168
Mystic Lower Pond, nuisance in, to be abated by the city of Boston . .	790
Mystic River, bridge across, town of Medford may build . . .	379
Mystic River Corporation, may construct docks above Chelsea Bridge .	49
time extended for completion of improvements . . .	233
may extend wharf on main channel of Mystic River . . .	527
Mystic Valley, sewer may be constructed in, by city of Boston . . .	122

N.

Names of persons, change of	106, 219, 343, 462, 596, 793
Nantasket Beach, the Hull and Nantasket Beach, and the Boston, Hingham and Hull Railroad Companies, may unite under name of Nantasket Beach Railroad Company	622
Nantucket, water supply for	485
fisheries in Hummock Pond, regulated	17
Nantucket county, matters before the supreme judicial court in, may be determined in Bristol county	297
Narrow-gauge railroad, in Sterling and Princeton, may be constructed with a gauge of two feet	281
Nashua River, use of sweep seines in, regulated	301
Nashua and Lowell and the Boston and Lowell Railroads, may unite .	635
Natick, town of, may raise money to pay funeral expenses of the late vice-president	6
water supply for	665
National Button Company of Easthampton, name changed	490
Needham, town of, land in, may be taken by city of Newton for water supply	19
Nemasket River, fisheries in, regulated	77
Neponset Meadow Company, incorporated	26
Nervine Asylum, Adams, incorporated	136
New Bedford, city of, charter amended	32, 412
water supply for	173, 289
passenger station in, may be discontinued by Boston, Clinton, Fitch- burg and New Bedford Railroad	273
port of, harbor master for	10
New Bedford Railroad, may unite with the Fall River Railroad . .	39
New Bedford and Fairhaven Street Railway Company, may increase capi- tal stock	478
New Bedford Marine Insurance Company, incorporated	30
New England Furniture Exchange, incorporated	384
New England Guard of the City of Boston, incorporated	71
New England Trust Company, charter amended	211
New Haven and Northampton Company, may issue bonds	387, 623
may extend road under provisions of the general railroad laws .	485
New London Northern Railroad Company, may issue bonds and mortgage road, etc.	523
provisions affecting	534

	Page
New York and New England Railroad Company, may hold stock in	
steamboat companies	480
may buy land for railroad and shipping terminal facilities . . .	591
station house near Cypress Street in Brookline	195
may construct approaches to property on west side of Fort Point	
Channel	268
to erect another passenger station in Newton	273
stock of the Commonwealth in, not to be sold	448
Newbury, town of, Thurlow's Bridge in, expense of rebuilding . . .	300
Newburyport, city of, may be indemnified for rebuilding bridge over	
Merrimack River	19
gas pipes may be laid in streets of, by Peabody and Victoria Mills .	618
harbor master for port of	7
water supply for	321, 435, 567
Newburyport Railroad, may sell franchise and property to Boston and	
Maine Railroad	47
Newburyport Society for the Relief of Aged Females, may hold additional	
estate	9
Newburyport Water Company, incorporated	567, 630
Newton, city of, may issue additional water scrip	10, 501
may take land in Needham for water supply	19
police court of, established	75
may widen, etc., channel of Cheese Cake Brook	150
may lay a main drain in Boston	175
may lay a main drain in Watertown	248
may establish grades for drainage and sewerage	252
passenger station of New York and New England Railroad in . .	273
sewers and drains in	295
public parks in	705
Newton Baptist Church and Society, name established	648
Newton Corner Baptist Church and Society, name changed and doings	
confirmed	648
Newton Cemetery Corporation, may purchase certain land	432
Newton Free Library, may be transferred to city of Newton	4
Newton and Watertown Gas Light Company, may lay pipes in Weston	
and Needham, and increase capital stock	658
Nickerson Home for Children, name established	496
Nine Mile Pond Fishing Company, protection of fishery of	397
charter amended	617
Norfolk, town of, North Parish of Wrentham may sell meeting-house and	
land to	377
Normal Art School, State, land in Boston to be reserved for erection of	
building for	562
North Adams, town of, incorporated	291
right of way over land in, granted to Albert G. Browne	317
union passenger station at	333
North Andover, town of, part of, annexed to Lawrence	366
North Baptist Society in Dorchester, doings confirmed	142
North Parish of Wrentham, may sell meeting-house and land to town of	
Norfolk	377

	Page
North Reading, town of, may pay certain bounties	384
North River, in Plymouth county, fisheries regulated	40, 155, 377, 619
Northampton, town of, may appropriate certain water courses for sewer- age purposes	559
may renew a portion of its water bonds	560
to realize the value of certain stolen bonds	427
may adopt and execute the will of Charles E. Forbes	758
Forbes Library in, incorporated	768
Northern Middlesex, first district court of, civil terms of	378
Northfield, Erving and Montague, towns of, maintenance by, of bridge near mouth of Miller's River	18
Nuisance, in and about the Roxbury Canal, may be abated by Boston	197
in the city of Boston, Prison Point Bay, abatement of	304

O.

Oak Bluffs, Martha's Vineyard, special harbor master for	415
Ocean Terminal Railroad Dock and Elevator Company, incorporated	760
Oil Company, Alleghany River, charter revived	392
Old Colony Railroad Company, may build branch road in Quincy	13
may unite with Fall River Railroad	39
may purchase the Fall River, Warren and Providence Railroad	55
may purchase the South Shore Railroad	121
may purchase the Duxbury and Cohasset Railroad	297
provisions affecting	402, 577
may take land in Fall River	613
Old Colony Wharf Company, act of incorporation amended	75
Old South Association in Boston, incorporated	204
Old South Meeting-House in Boston, preservation of	204
Old South Parish of Reading, name established	488
Onset Bay Grove Association, incorporated	148
may build bridge over tide-water	376
Overseers of the Poor, of the City of Cambridge, concerning	129
in the City of Chelsea, Board of, established	126
Oyster Pond River in Chatham, town may build bridge across	163

P.

Palmer, John P., town of Swampscott may pay claim of	615
Park, public, in Marblehead, may be laid out, etc.	671
in Newton	705
in Worcester, time extended for laying out	21, 145
in Boston, concerning	527, 651
Pawtucket Society in Lowell, name established	45
Peabody, town of, may make alterations and improvements in Gold- thwait's Brook	524
water supply for	699
Peabody Institute in Peabody, incorporated	674
Peabody and Victoria Mills, may lay gas pipes in Newburyport	613

	Page
Penikese, Island of, may be reconveyed by Anderson School of Natural History to original donor	146
Pensions to disabled police officers in the city of Boston	385
Pharmacy, Massachusetts College of, charter extended	5
change of time for holding annual meeting	614
Phillips Academy in Andover, trustees of, may hold additional estate	493
Phoenix Brewing Company of Lawrence, incorporated	392
Pierce Academy in Middleborough, may hold additional estate	237
Pilgrim Evangelical Society in Southborough, may hold real estate for parsonage	23
Pilots of Gloucester, Rockport, and ports on Buzzard's Bay and Island of Martha's Vineyard, to make returns, etc., to port wardens	526
Pittsfield, town of, time extended for voting upon acceptance of city charter	155
fire district in, sidewalks, sewers and drains in	274
Pittsfield and North Adams Railroad, provisions affecting	334
Plymouth, town of, eel fishery in Eel River in, regulated	16
perch fishery regulated	390
Plymouth, first district court, appointment of clerk confirmed	146
second district court, sessions of court	435
fourth district court, sessions and adjournments of	504
Plymouth county, fisheries in, regulated 40, 155, 377, 495, 619	738
probate courts in	738
Plymouth Society in Framingham, may hold real estate for a parsonage	140
Plymouth and Duxbury, Salter's Beach, protection of	746
Police court, Gloucester, clerk to be appointed	197
of Haverhill, civil terms of	143
Holyoke, clerk to be appointed	669
Newton, established	75
Police department of the city of Boston 326, 373, 378, 506	385
Police officers in the city of Boston, disabled, pensions to	3
Police Relief Association, Boston, incorporated	504
Ponds, great, in Dukes county, authority to lease, repealed	125
Potomska Mills Corporation, may increase capital and issue special stock,	74
Power, Charles J., deed of assignment to assignees of, confirmed	258
Presbyterian Church of North America, United, general assembly of, may hold real estate in Massachusetts	281
Princeton and Sterling, construction of narrow-gauge railroad in	75
Prison, state, time for completion extended	234
sewage of, not to be discharged into Concord River	248
inmates to be removed from Boston to new prison in Concord	335
additional watchmen for	414
water supply for	429
Prison for women, reformatory, at Sherborn, disposition of sewage of	304
Prison Point Bay, in Boston, may be filled	748
Prisoners in jail, in Suffolk county, may be removed to the house of correction	147
Probate court, Barnstable county, times and places of holding, fixed	281
Bristol county, terms of court at Fall River	

	Page
Probate court, Plymouth county, terms of court	738
Suffolk county, terms of the court	285, 660
Worcester county, additional terms at Fitchburg	286
Produce Exchange, Boston, incorporated	124
Proprietors of Locks and Canals on Merrimack River, may purchase property in New Hampshire	512
Proprietors of Maple Grove Cemetery, incorporated	269
Protective Department, Boston, disabled members may be pensioned,	366, 615
Provincetown, town of, may establish a sinking fund to pay for stock in railroad	40
harbor lines changed	139
Prushan Rubber Company, name established	612
Public Library of Newton, established	4
Public Library of the city of Boston, Trustees of the, incorporated	270
land of the Commonwealth may be occupied for a building	561
Punchard Free School, in the town of Andover, election of trustees	133

Q.

Quannapowitt, Lake, fisheries regulated	124
Quincy, town of, Trustees of the Thomas Crane Public Library in, incor- porated	554
branch road in, may be built by the Old Colony Railroad	13
First Baptist Church of, incorporated	509
Quinsigamond Avenue, in Worcester, time extended for construction	428

R.

RAILROAD CORPORATIONS:

Ashburnham, incorporated; may purchase Ashburnham Railroad,	288
Billerica and Bedford, narrow-gauge roads	38, 119, 374
Boston and Albany, stated meetings of board of directors to be held monthly	270
Boston and Albany, may be entered upon by the Springfield and New London, and Springfield, Athol and North-Eastern Rail- roads	55
Boston and Albany, Commonwealth's right to take stock in, may be sold	333
Boston and Albany, may purchase Springfield and North-Eastern Railroad	544
Boston, Barre and Gardner, may mortgage its property, etc.	449
Boston and Chelsea, charter extended; may lease road	390
Boston, Clinton and Fitchburg, may unite with Fall River Railroad,	39
Boston, Clinton and Fitchburg, may discontinue passenger station in New Bedford	273
Boston, Clinton, Fitchburg and New Bedford, mortgage to New England Trust Company confirmed	497
Boston, Clinton, Fitchburg and New Bedford Railroad Company, may issue preferred stock	184
Boston, Clinton, Fitchburg and New Bedford Railroad Company, may issue bonds	401

	Page
RAILROAD CORPORATIONS — Continued.	
Boston, Clinton, Fitchburg and New Bedford, may purchase Framingham and Lowell Railroad	696
Boston, Hoosac Tunnel and Western Railway, provisions affecting,	345
Boston and Lowell, may use steam as motive power, on branches in Lowell	156
Boston and Lowell, may widen freight bridge across Charles River,	242
Boston and Lowell, may purchase Lowell and Lawrence, and Salem and Lowell Railroads	370
Boston and Lowell, provisions affecting	534
Boston and Lowell and Nashua and Lowell, may unite	655
Boston and Maine, may purchase West Amesbury Branch Railroad,	2
Boston and Maine, may purchase Newburyport Railroad	47
Boston and Maine, may purchase Danvers Railroad	48
Boston and Maine, crossing tracks of, by Lowell and Lawrence Railroad	330
Boston and Maine, may make certain contracts with the Eastern Railroad	558
Boston, Winthrop and Point Shirley, time for location and construction extended	478
Brattleborough Branch, may be sold	307, 561
Brattleborough Branch of the Vermont and Massachusetts, may be mortgaged	523
Connecticut Central, provisions affecting	15
Connecticut River, provisions affecting	67, 336, 340
Connecticut River, crossing of Clay Hill Street in town of Greenfield,	446
Connecticut Valley, provisions affecting	15
Connecticut River, and Vermont and Massachusetts Railroads, grade crossing at Deerfield	418
Danvers, may sell franchise and property to Boston and Maine Railroad	48
Duxbury and Cohasset, may sell franchise and property to Old Colony Railroad	297
Eastern, for relief of, and securing its debts and liabilities	88, 213
Eastern, mode of filling vacancies in board of directors	233
Eastern, may make new leases of roads out of the state, etc.	245
Eastern, may make certain contracts with the Boston and Maine Railroad	558
Eastern, indenture with Fitchburg Railroad, ratified	668
Fall River, may sell or lease its road	39
Fall River, Warren and Providence, may sell road to the Old Colony Railroad Company	55
Fall River, Warren and Providence, to build bridges over Cole's and Lee's Rivers, upon plans approved by commissioners	436
Fall River Street Railway, charter revived; may issue bonds	391
Fitchburg, time extended for taking certain lands	49, 507
Fitchburg, may extend branch road over land of the Commonwealth at Concord	418
Fitchburg, may arrange by agreement with Connecticut River Railroad concerning grade crossing at Deerfield	418

	Page
RAILROAD CORPORATIONS—Continued.	
Fitchburg, may build bridge over a portion of Miller's River	494
Fitchburg, may change location in Belmont	680
Fitchburg, indenture with Eastern, ratified	668
Fitchburg, provisions affecting	336, 340
Framingham and Lowell, may issue preferred stock	287
Framingham and Lowell, purchasers of, may organize new corporation	696
Gloucester Street Railway, incorporated	778
Hartford and Connecticut Valley Railroad Company, may build a railroad in Massachusetts	660
Highland Street Railway, may obtain locations of tracks in Brookline	403
Highland Street Railway, may increase capital stock	408
Housatonic, to construct a station at Stockbridge	753
Lancaster, mortgage confirmed	166
Lancaster, charter revived, etc.	389, 670
Lee and Hudson, charter revived	564
Lexington and Arlington, provisions affecting	534
Lowell and Framingham Railroad	696
Lowell and Lawrence, may sell franchise and property to the Boston and Lowell Railroad	370
Lowell and Lawrence, crossing tracks of Boston and Maine Railroad, at South Lawrence	330
Lynn and Boston, may issue bonds	528
Lynn and Boston, may purchase certain real estate, etc.	673
Lynn and Boston, may take new lease of Winnisimmet Railroad	368
Lynn and Boston, may lease road	390
Massachusetts Central, time extended for application for damages for land taken by	72, 241
Massachusetts Central, may change location in Belmont	680
Massachusetts Central, location and construction, etc., 135, 443, 653, 710	
Massachusetts Central, may cross the Lexington and Arlington Railroad at grade	534
Medford and Charlestown, may unite with Middlesex Railroad	507
Metropolitan, may issue bonds	156
Middlesex, may lease road	300
Middlesex, may unite with the Medford and Charlestown Railroad,	507
Middlesex, Somerville Horse, and Union, leases between, ratified	18
Middlesex Central, may cross land of the Commonwealth in Concord,	363
Nantasket Beach, the Hull and Nantasket Beach, and the Boston, Hingham and Hull Railroad Companies, may unite under name of the Nantasket Beach Railroad Company	622
Nashua and Lowell and Boston and Lowell, may unite	655
New Bedford, may unite with Fall River Railroad	39
New Bedford and Fairhaven Street Railway Company, may increase capital stock	478
New Haven and Northampton Company, may issue bonds	387, 623
New Haven and Northampton Company, may extend road under provisions of the general railroad laws	485

	Page
RAILROAD CORPORATIONS — Continued.	
New London Northern, may issue bonds and mortgage property	523
New London Northern, provisions affecting	534
New York and New England, may be required to erect station house in Brookline	195
New York and New England, to erect another passenger station in Newton	273
New York and New England, may construct approaches to property on west side of Fort Point Channel	268
New York and New England, state stock in, not to be sold	448
New York and New England, may buy land for railroad and shipping terminal facilities	591
New York and New England, may hold stock in steamboat companies	480
Newburyport, may sell franchise and property to the Boston and Maine Railroad	47
Old Colony, may build branch road in Quincy	13
Old Colony, may unite with Fall River Railroad	39
Old Colony, may purchase franchise and property of Duxbury and Cohasset Railroad	297
Old Colony, may take land in Fall River	613
Old Colony, may purchase the Fall River, Warren and Providence Railroad	55
Old Colony, may purchase South Shore Railroad	121
Old Colony, provisions affecting	402, 577
Pittsfield and North Adams, provisions affecting	334
Salem Street Railway, may exchange bonds	54
Salem and Lowell, may sell franchise and property to Boston and Lowell Railroad	370
Somerville Horse, Union and Middlesex, leases between, ratified	18
South Shore, may sell franchise and property to Old Colony Railroad	121
Southern Vermont, provisions affecting	341
Springfield, Athol and North-Eastern, purchasers of, may organize a corporation by name of The Springfield and North-Eastern Railroad Company	318
Springfield, Athol and North-Eastern, may enter upon and use Boston and Albany Railroad	55
Springfield and North-Eastern, may sell property to the Boston and Albany Railroad	544
Springfield and New London, may lease road	15
Springfield and New London, may enter upon and use Boston and Albany Railroad	55
Troy and Boston, may assign lease to the Commonwealth	342
Troy and Greenfield, relocation of, in Greenfield and Deerfield,	67
Troy and Greenfield, location confirmed in Franklin county	308
Troy and Greenfield, power brakes to be used upon passenger trains	670
Troy and Greenfield, police officers to be appointed for	748

	Page
RAILROAD CORPORATIONS — Concluded.	
Troy and Greenfield, in the state of Vermont, otherwise called Southern Vermont Railroad, to connect with Troy and Greenfield Railroad	341
Troy and Greenfield Railroad and Hoosac Tunnel, appropriations for; tolls, etc.	215, 784
Troy and Greenfield Railroad and Hoosac Tunnel, management of, 302, 755	
Troy and Greenfield Railroad and Hoosac Tunnel, reports and estimates to be made by manager; act repealed	318
Troy and Greenfield Railroad and Hoosac Tunnel, receipts and expenditures	402
Troy and Greenfield Railroad and Hoosac Tunnel, improvement and maintenance of	333, 454, 576, 784
Troy and Greenfield Railroad and Hoosac Tunnel, union passenger station to be built at North Adams	333
Troy and Greenfield Railroad and Hoosac Tunnel, passenger station in Greenfield	335, 575
Troy and Greenfield Railroad and Hoosac Tunnel, union freight depot in Greenfield	338
Troy and Greenfield Railroad and Hoosac Tunnel, crossing of Clay Hill Street in Greenfield	446
Troy and Greenfield Railroad and Hoosac Tunnel, manager may contract for management of road	594
Union Freight, stock in, may be taken by any railroad having terminus in Boston	80
Union, Somerville Horse and Middlesex, leases between, ratified	18
Vermont and Massachusetts, relocation of, in Deerfield and Greenfield	67
Vermont and Massachusetts, may sell Brattleborough Branch, 307, 561	
Vermont and Massachusetts, provisions affecting	336, 340
Vermont and Massachusetts, and Connecticut River Railroads, grade crossing at Deerfield	418
Ware River, provisions affecting	534
West Amesbury Branch, may be purchased by Boston and Maine Railroad Company	2
Winnisimmet, charter extended: may make new leases	368
Worcester and Nashua, may mortgage franchise and property	438
Railroad, narrow-gauge, in Sterling and Princeton, may be constructed of a gauge of two feet	281
Rainsford Island almshouse, inmates of, may be employed at Winthrop Farm	196
Randolph, Central Cemetery Association of, incorporated	262
Reading, Third Congregational Society, West Parish, Second Congregational Society, Second Parish, and South Parish, to be hereafter known as the Old South Parish of Reading	488
Real Estate and Building Company, charter extended	489
Records of attachments in the clerk's office, to be transferred to the registry of deeds of the southern district of Middlesex county, 448	
Registration and elections in the city of Boston, in relation to	321

	Page
Reformatory prison for women at Sherborn, disposition of sewage of	429
Rochester, town of, fisheries in, regulated	173
Fourth Congregational Precinct in, name changed	272
Rockland Baptist Society, name established	133
Rockland and Hanover, towns of, boundary line between, established	257
Rockport and Gloucester, pilots of, to make returns to port wardens	526
Roxbury Canal, sewage discharged into, may be diverted by city of Boston	385
nuisance may be abated	197
Royal Arcanum, Supreme Council of the, may hold annual meetings without the Commonwealth	380
charter amended	614
Rubber Company, Globe, name changed to Prushan Rubber Company	612

S.

Safe Deposit and Trust Company, Boston, charter amended	213
Springfield, incorporated	81
Worcester, charter amended	666
Sailors and soldiers and their families, state aid to, 78, 187, 347, 364, 440, 455, 616	
Saint Francis, Society of the Friars Minor of the order of, of New York, may hold real estate in this state	145
Saint John's Church, Boston Highlands, incorporated	631
Saint Paul's Church, in Boston, interments under, prohibited	371
St. Vincent de Paul, Society of, in the city of Boston, organization confirmed	449
Salem, city of, water supply for	174
appointment of health commissioners; assessors to be elected for three years	186
harbor master may be appointed for port of	28
board of aldermen to consist of seven members	264
may construct main drain in North River; act rejected	300
charter amended	393, 503
may take Frye's Mills and flats in Millpond	393
may take certain flats in North River	746
may construct a sewer in North River; act rejected	405
Salem Dispensary, may transfer property to Salem Hospital	7
Salem Street Railway, may exchange bonds	54
Salem and Lowell Railroad Company, may sell franchise and property to Boston and Lowell Railroad Corporation	370
Salisbury, town of, may be indemnified for rebuilding bridge over Merrimack River	19
Salisbury, Amesbury and, Agricultural and Horticultural Society, incorporated	739
Salter's Beach in Duxbury and Plymouth, protection of	746
Sandisfield, town of, re-establishment of school district system ratified	665
Sandwich and Falmouth, towns of, boundary lines established	514
Sandwich District Camp-Meeting Association, doings legalized, and name changed	666

	Page
Saugus River and tributaries, fisheries regulated	124
Sawin Academy, town of Sherborn may grant money to	154
SAVINGS BANKS AND INSTITUTIONS:	
Amesbury, name changed	125
Ashburnham, dissolved	558
Brockton, incorporated	628
East Weymouth Five Cents, name changed to East Weymouth	507
Jamaica Plain, dissolved	558
James Otis, in Barnstable, incorporated	545
Merrimac, name established	125
Shelburne Falls Five Cents, name changed	17
Shelburne Falls, name established	17
Sherborn, town of, may appropriate money for Sawin Academy	154
School, Swain Free, Trustees of, incorporated	658
for Idiotic and Feeble-Minded Youth, Massachusetts, appointment of trustees	285
industrial, at Lawrence, directors may bind out boys as appren- tices	70
of Natural History, Anderson, trustees may re-convey Island of Penikese to original donor	146
Punchard Free, in the town of Andover, election of trustees	133
State Normal Art, land in Boston to be reserved for erection of buildings for	562
School Committee, Boston, incorporated	135
School Fund, Severy, in Gardner, concerning	491
Scituate, town of, shores and beaches to be protected	154
material for building purposes may be taken from beaches, with consent of harbor commissioners	195
eel fisheries in, regulated	128
Second Congregational Society in Westfield, organization and doings con- firmed	446
Second and third district courts of Bristol, concurrent jurisdiction in Westport and Freetown	299
Second district court of Eastern Middlesex, established	662
Second district court of Plymouth, sessions of the court	435
Second Universalist Society, in town of Western, name changed	710
Sesuet Cranberry Company, incorporated	788
Severy School Fund in Gardner, concerning	491
Sewing Machine Company, Springfield, name established	615
Shell fish on shores and flats of Thompson's Island, in Boston harbor, con- cerning	254
Shelburne, town of, election of town officers confirmed	550
Shelburne Falls Five Cents Savings Bank, name changed to Shelburne Falls Savings Bank	17
Sherborn, town of, may aid Sawin Academy	154
Shuttle Company, The Litchfield, of Southbridge, name changed to The Litchfield Shuttle Company	365
Sigma Phi Society of Williams College, may hold meetings in the city of New York	377

	Page
Simonds Manufacturing Company, may manufacture saws and edge- tools	381
Simpson, John H., town of Wilmington may pay bounty to	378
Slaughtering and Melting Association, Butchers', in Brighton, concern- ing	65, 138, 264
SOCIETIES:	
Amesbury, West Parish Congregational Society of, name changed to the "First Orthodox Congregational Society of Merrimac"	375
Amesbury and Salisbury Agricultural and Horticultural Society, incorporated	739
Boston Episcopal Charitable Society, may hold additional estate . .	491
Boston, Brighton Avenue Baptist Society in, name established . . .	309
Boston, Broadway Universalist Society in, name established; real estate	12
Boston, Egleston Square Methodist Episcopal Church in, trustees of, election and organization confirmed	421
Boston, Fourth Universalist Meeting-House in, name changed . . .	12
Boston, St. Vincent de Paul, Society of, of the city of, organization confirmed	449
Boston, Stoughton Street Baptist Church in, may mortgage prop- erty	142
Boston, St. Paul's Church, interments under, prohibited	71
Boston, Vine Street Congregational Society in, name changed . . .	235
Boston Highlands, Saint John's Church in, incorporated	631
Brighton, First Baptist Society in, name changed	309
Bristol County Agricultural Society, to be paid state bounty . . .	241
Chelsea, the Third Congregational Church in, incorporated	239
Dorchester, North Baptist Society in, doings confirmed	142
Dracut, West Congregational Society in, name changed	45
East Abington Baptist Society, name changed	133
Evangelical Lutheran Trinity Church of the Unaltered Augsburg Confession, in Boston, organization confirmed	779
Everett Congregational, name established, and proceedings rati- fied	235
Framingham, Plymouth Society in, may hold real estate for a par- sonage	140
Friars Minor of the Order of St. Francis, of New York, Society of, may hold real estate in this state	145
Haverhill, Baptist Religious Society in, may convey real estate . .	709
Hampden, the First Congregational Society of, name established . .	648
Hyde Park, Clarendon Hills Evangelical Society, name changed to Clarendon Hills Congregational Society of	652
Hoosac Valley Agricultural, to be paid state bounty	509
Immanuel Congregational Society, name established	235
Lee, First Congregational Society of, doings confirmed	460
Lowell, Pawtucket Society in, name established	45
Mansfield, First Congregational Society in, trustees may sell meet- ing-house	144
Marion, First Congregational Society in, name established	272

	Page
SOCIETIES — Concluded.	
Massachusetts Historical Society, may hold additional estate . . .	123
Merrimac, First Orthodox Congregational Society of, name established . . .	375
Newburyport Society for the Relief of Aged Females, may hold additional estate . . .	9
Newton Corner Baptist Church and Society, name changed and doings confirmed . . .	648
Southborough, Pilgrim Evangelical Society in, may hold real estate for parsonage . . .	23
Presbyterian Church of North America, United, trustees of general assembly of, may hold real estate in Massachusetts . . .	258
Quincy, First Baptist Church of, incorporated . . .	509
Reading, Old South Parish in, name established . . .	488
Rochester, Fourth Congregational Precinct in, name changed . . .	272
Rockland Baptist Society, name established . . .	153
Sigma Phi Society of Williams College, may hold meetings in city of New York . . .	877
South Hadley Falls, First Congregational Society in, and the South Religious Society in South Hadley, united under the name of the Congregational Society in South Hadley Falls . . .	370
South Malden Congregational Society, name changed and proceedings ratified . . .	235
Western, Second Universalist Society in, name changed to the Universalist Society of Warren . . .	710
Westfield, Second Congregational Society in, organization and doings confirmed . . .	446
Wilbraham, the South Parish of, name changed . . .	648
Winchendon, Methodist Episcopal Church in, trustees of, may convey parsonage . . .	446
Woburn Society of the Methodist Episcopal Church, trustees of the, organization and acts confirmed . . .	428
Worcester, Calvinistic, in, name changed to The Central, in Worcester . . .	388
Worcester, Grace Methodist Episcopal Free Church of, name established . . .	331
Worcester, Main Street Methodist Episcopal Church of, name changed . . .	331
Wrentham, North Parish of, may sell meeting-house and land to town of Norfolk . . .	337
Soldiers and sailors, and their families, state aid to, 73, 167, 347, 364, 440, 455, 616	
Soldiers' Home, in Massachusetts, Trustees of, incorporated . . .	201
Somerset, town of, bridges over rivers in . . .	184
Somerville, city of, charter amended; act rejected . . .	404
concerning sewers in . . .	762
Somerville Horse Railroad, Middlesex Railroad and Union Railway Companies, certain leases between, ratified . . .	18
Somerville Wharf and Improvement Company, incorporated . . .	529
South Abington, town of, may establish a public park . . .	553

	Page
South Adams fire district, water supply for	641
South Bay Company, to be merged in a new corporation	134
South Bay Improvement Company, incorporated	134
South Boston, flats of the Commonwealth at, to facilitate sale and use of,	585
South Cove Corporation, to be merged in a new corporation	134
South Hadley, fire district number one in, limits changed	72
South Hadley Falls, Congregational Society in, name established	370
South Malden Congregational Society, name changed and conveyances ratified	235
South Scituate and Hanover, towns of, boundary line between, established,	233
South Shore Railroad Company, may sell franchise, etc., to Old Colony Railroad	121
Southborough, town of, Pilgrim Evangelical Society in, may hold real estate for parsonage	23
Southbridge Water Supply Company, incorporated	498
Southern Vermont Railroad, provisions affecting	341
Spring Hill Cranberry Meadow Company, incorporated	587
Springfield, city of, charter amended; act rejected	177
board of overseers of poor of, concerning	263
water supply for	405
board of water commissioners of; act rejected	488
Springfield Printing Company, name established	488
Springfield Sewing Machine Company, name established	615
Springfield and Andover, apportionment between, of cost of bridge over the Connecticut River	571
Springfield, Athol and North-Eastern Railroad may enter upon and use Boston and Albany Railroad	55
purchasers of, may organize a corporation by the name of The Springfield and North-Eastern Railroad Company	318
Springfield Safe Deposit and Trust Company, incorporated	81
Springfield and New London Railroad Company, may lease road	15
may enter upon and use Boston and Albany Railroad	55
Springfield and North-Eastern Railroad Company, may sell franchise and property to Boston and Albany Railroad Company	544
Spy Pond, authority to take land around margin of, by city of Cambridge, repealed	544
Squantum Free Bridge, time for building, extended	30, 404
Standish Monument Association, charter amended	140
State aid, paid on account of children born after the death of the father	78
to disabled soldiers and their families, and the families of deceased soldiers	187, 347, 364, 440, 455, 616
State Normal Art School, land in Boston reserved for erection of building for	562
State prison, time for completion extended	75
sewage of, not to be discharged into Concord River	234
inmates to be removed from Boston to new prison in Concord	248
additional watchmen for	385
water supply for	414
States Union Telegraph and Telegraph Construction Company, incorpo- rated	296, 640

	Page
Steamboat Company, Boston and Hingham, may increase capital stock	650
Frederickton, name changed	479
Merrimac Valley, name established	479
Sterling, town of, may raise money for celebrating anniversary of settle- ment	575
Sterling and Princeton, construction of narrow-gauge railroad in	281
Stockbridge, town of, station to be erected in, by Housatonic Railroad	753
Stockwell, James W., justice of the peace, act's confirmed	144
Stoneham, town of, may pay a soldier's bounty to Henry W. Green	550
water supply for	107
Stoughton, town of, action at town meeting ratified	572
Stoughton Street Baptist Church, in Boston, may mortgage property	142
Street commissioners of the city of Boston, powers of	208
Street railway drivers and conductors, in Boston, to be licensed	378
STREET RAILWAY CORPORATIONS:	
Fall River, charter revived; may issue bonds	391
Gloucester, incorporated	778
Highland, may obtain locations of tracks in Brookline	403
Highland, may increase capital stock	408
Metropolitan, may issue bonds	156
Middlesex, Somerville Horse and Union, leases between, ratified	18
New Bedford and Fairhaven, may increase capital stock	478
Salem Street Railway, may exchange bonds	54
Somerville Horse, Middlesex and Union, leases between, ratified	18
Union, Somerville Horse and Middlesex, leases between, ratified	18
Sturbridge Aqueduct Company, incorporated	14
Sturbridge, centre village of, water supply for	14
Subterranean Cable Company of Boston, incorporated	428
Suffolk county, terms of probate court in	285, 660
prisoners in jail in, may be removed to the house of correction	748
Sugar Warehousing Company, Boston, incorporated	23
Sunderland Bridge, commissioners of Franklin county may borrow money for costs and expenses, etc.	177, 210, 247
Superior court, may hold sessions by adjournment at Bridgewater	490
Supreme Council of the Royal Arcanum, may hold annual meetings with- out the Commonwealth	390
charter amended	614
Supreme judicial court, matters arising in Dukes and Nantucket may be determined, etc., in Bristol county	297
Sutton Manufacturing Company, proceedings confirmed	508
Swain Free School, Trustees of, incorporated	653
Swampscott, town of, may pay claim of John P. Palmer	615
Swanzy, town of, bridges over rivers in	184

T.

Taintor, Henry E., commissioner for Massachusetts, in the state of Con- necticut, acts confirmed	225
---	-----

	Page
Taunton, city of, may issue additional water scrip	141
may build bridge across Taunton Great River	142
commissioners of sinking funds to be trustees of water loan fund	240
portion of, annexed to town of Berkley	416
water supply for	500
Taunton Great River, fisheries in, regulated	77, 381
bridge across, may be built by city of Taunton	142
Technology, Massachusetts Institute of, buildings to be erected within two years	166
time extended for erection of buildings in Boston	439, 657
Telegraph Construction Company, States Union Telegraph and, incorpo- rated	649
Telegraph and Telephone Company, States Union, incorporated	296
Telephone Company, American Bell, incorporation of	512
Thayer Academy, Trustees of, incorporated	382
Third Congregational Church in Chelsea, incorporated	239
Third and second district courts of Bristol, concurrent jurisdiction in Westport and Freetown	299
Thompson's Island, in Boston harbor, shell fishery regulated	254
Thurlow's Bridge, in Newbury, expense of rebuilding	300
Tisbury and Edgartown, towns of, maintenance of Lagoon Bridge by	284
Towns:	
Andover, part of, annexed to city of Lawrence	365
Belmont, part of, annexed to city of Cambridge	555
Berkley, part of Taunton annexed to	416
Dracut, part of, annexed to city of Lowell	417
Cottage City, incorporated	480
Hampden, incorporated	259
Hanover, boundary lines established	233, 257
Hingham, proceeds of sale of lands in, heretofore applied to the support of the schools and the poor, to be used for town pur- poses	479
Malden, part of Medford annexed to	170
Malden, boundary line established	236
Mashpee, in addition to incorporate	331
Medford, part of, annexed to Malden	170
Medford, boundary line established	236
Merrimac, incorporated	50
North Adams, incorporated	291
North Andover, part of, annexed to Lawrence	366
Rockland, boundary line established	257
South Scituate, boundary line established	233
Treasurer and receiver-general, to call in and pay harbor improvement loan	381
Troy and Boston Railroad, may assign lease to the Commonwealth	341
Troy and Greenfield Railroad, relocation of, in Deerfield and Greenfield	67
location confirmed in Franklin County	308
crossing of Clay Hill Street in Greenfield	440
power brakes to be used upon passenger trains	670
police officers to be appointed for	748

	Page
Troy and Greenfield Railroad in the State of Vermont, may connect with	
Troy and Greenfield Railroad	341
Troy and Greenfield Railroad and Hoosac Tunnel, appropriations for im-	
provement and completion; payment of claims; tolls	215, 784
management of	302, 755
reports and estimates to be made by manager; act repealed	318
union passenger station to be built at North Adams	333
passenger station in Greenfield	335, 575
manager may establish union freight depot at Greenfield	338
receipts and expenditures	402
improvement and maintenance of	333, 454, 576, 784
manager may contract for management of road, etc.	594
Truro, town of, dike across East Harbor Creek in, protection of	304
Trust Company, American Loan and, incorporated	643
Chapin Banking and, in Springfield, charter amended	209
International, incorporated	409
International, may invest money as savings banks are allowed to	
invest	629
New England, charter amended	211
Massachusetts Loan and, charter amended	653
Boston Safe Deposit and, charter amended	213
Springfield Safe Deposit and, incorporated	81
Worcester Safe Deposit and, charter amended	660
Trustees of Abbott Female Academy, name changed	375
Chapter of the Alpha Delta Phi Fraternity in Williams College,	
incorporated	493
City Hospital, in Boston, incorporated	545
Delta Psi Society of Williams College, may hold meetings in city	
of New York	309
Egleston Square Methodist Episcopal Church, in Boston, election	
and organization confirmed	421
General Assembly of the United Presbyterian Church of North	
America, may hold real estate in Massachusetts	258
Home for Aged Females in Worcester, charter amended	368
Methodist Episcopal Church in Winchendon, may convey parson-	
age	446
Milton Academy, relating to	492
Museum of Comparative Zoölogy, may convey property to Harvard	
College	16
Museum of Comparative Zoölogy, corporation dissolved	119
Phillips Academy, in Andover, may hold additional estate	493
Public Library of the city of Boston, incorporated	270
Sigma Phi Society of Williams College, may hold meetings in the	
city of New York	377
Soldiers' Home, in Massachusetts, incorporated	201
Swain Free School, incorporated	658
Thayer Academy, incorporated	382
Thomas Crane Public Library of the town of Quincy, incorpo-	
rated	554

INDEX.

855

	Page
Trustees of Tufts College, number of members of corporation not to exceed thirty	242
Woburn Society of the Methodist Episcopal Church, organization and acts confirmed	428
Tufts College, trustees of, number of members of corporation not to exceed thirty	242
Turner's Falls, bridge across Connecticut River at, concerning . . .	44, 171
Turner's Falls Company, may construct dams for creating water power . .	530
Tyringham, town of, acts done at annual meeting confirmed	302

U.

Union freight depot in Greenfield	338, 432
Union Freight Railway Company, stock in, may be taken by any railroad having a terminus in Boston	80
Union passenger station in Worcester, provided for	177
Union Railway, Middlesex Railroad and Somerville Horse Railroad Companies, leases between, ratified	18
Unitarian Association, American, may transfer the Fay Fund to the Society for the Relief of Aged and Destitute Clergymen	489
Uxbridge Water Company, incorporated	632

V.

Vermont and Massachusetts Railroad, relocation of, in Deerfield and Greenfield	67
may sell the Brattleborough Branch	307, 561
Vermont and Massachusetts, and Connecticut River Railroads, grade crossing in Deerfield	418
Veteran Artillery Association of Amesbury and Salisbury, may parade with side arms	157
Veteran Association of the Independent Corps of Cadets, incorporated . .	120
additional real and personal estate	372
Veteran Association, Fusilier, incorporated	299
Vine Street Congregational Society, in Boston, name changed	235
Vineyard Grove Company, may reduce and increase capital stock . . .	203
Vineyard Haven Wharf Company, name established	617

W.

Walters Benevolent Association of the City of Boston, organization confirmed	514
Wakefield, town of, water supply for	167
Walpole Emery Mills, name established	617
Waltham, town of, may raise funds to complete water works	501
Waltham, Home for Aged Women in, incorporated	373
Wannacomet Water Company, incorporated	485
Wareham, town of, fisheries in, regulated	173

	Page
Warehousing Company, Boston Sugar, incorporated	23
Warren, town of, Universalist Society of, name established	710
Warren Bridge, may be widened by the city of Boston	515
Washington, town of, within the jurisdiction of the district court of Central Berkshire	657
Water Company, Amherst, incorporated	547
Athol, incorporated	158
Berkshire, incorporated	518, 646
Chicopee, incorporated	152
Dedham, incorporated	57
Hingham, incorporated	397, 627
Lee, incorporated	237
Lexington, incorporated	772
Milford, incorporated	634
Newburyport, incorporated	567, 630
Uxbridge, incorporated	632
Wannacomet, incorporated	485
Water Supply Company, Gloucester, incorporated	677
Water Supply Company, Southbridge, incorporated	498
Water meters, may be attached to service pipes in the city of Boston	739
Water supply for Amherst	547
Athol	158
village of Attleborough	149
Boston	119, 516, 663
Brockton	281, 618
village of Chicopee Falls	779
Clinton	34, 612
Concord	143
State prison at Concord	414
hospital for insane, at Danvers	78
Dedham	57
village of Foxborough	421
Framingham	740
Gloucester	555, 677
Hingham	50, 120, 397, 627
Holyoke	315
Hopkinton	160
Lawrence	26
Lee	237, 518, 646
Lexington	772
Lynn	523
Marlborough	550
Middleborough	368, 526
Milford	634
Nantucket	485
Natick	665
New Bedford	173
Newburyport	321, 435, 567, 630
Newton	19

	Page
Water supply for New Bedford	289
Peabody	699
Salem	174
South Adams fire district	641
Southbridge	498
Springfield	405
Stoneham	167
Sturbridge, centre village of	14
Taunton	141, 240, 500
Uxbridge	632
Watertown	435
Wakefield	167
Waltham	501
Wayland	254
Weymouth	705
Worcester	22, 87, 776
Watertown, town of, main drain in, may be maintained by Newton	248
water supply for	435
may raise money for celebration of anniversary of settlement	505
Watuppa Pond in Fall River and Westport, fisheries regulated	155
Wayland, town of, water supply for	254
Wellfleet, town of, eel fishery in, regulated	130
Wellesley, town of, incorporated	701
Wellesley College, may confer degrees and diplomas	123
Wells, Michael F., administrator of estate of, may be paid by city of Boston	369
West Amesbury Branch Railroad, may be purchased by Boston and Maine Railroad	2
West Bridgewater, town of, fisheries regulated	240
West Congregational Society, in Dracut, name changed	45
West Parish Congregational Society of Amesbury, name changed	375
West Springfield, town of, expense of changing and maintaining channel in Agawam River to be borne by	130
main drains and common sewers in	243
may borrow money for certain purposes	320
may repair and maintain dam and channel of Agawam River	492
West Stockbridge, town of, land of burying ground in, may be taken for school purposes	131
Westborough, town of, may raise money for expenses of centennial celebration	144
Westfield, town of, may construct a dike, etc.	406
protection from floods	436
Westfield, town of, Second Congregational Society in, organization and doings confirmed	446
Westfield River, use of sweep seines in, regulated	301
Westport, town of, Maple Grove Cemetery Association in, incorporated	648
second and third district courts of Bristol to have concurrent jurisdiction in	299
fisheries in, regulated	155

	Page
Westport River, bridge over East Branch of, time for construction extended	131
Weymouth, town of, water supply for	705
Weymouth fire district, dissolved	203
Wewantit River and tributaries, fisheries regulated	172
Wharf, Central, and Wet Dock Corporation, charter amended	624
Wharf Company, Holmes Hole Union, name changed to Vineyard Haven, Old Colony, act of incorporation amended	617 75
Wharf Corporation, Mercantile, in Boston, charter extended	20
Wharf and Dock Company, Wollaston, may hold additional real estate	489
Wharf and Improvement Company, Somerville, incorporated	529
Wharf and Land Company, Hingham, may exclude tide water from basin within the dam	147
White, George, acting judge of court of insolvency, deed of, to assignees of estate of Charles J. Power, confirmed	74
Widows' and Orphans' Association, Boston, incorporated	31
Wilbraham, town of, may take land for a schoolhouse	488
The South Parish of, name changed to The First Congregational Society of Hampden	648
Williams College, Trustees of the Chapter of the Alpha Delta Phi Fraternity in, incorporated	493
Trustees of the Delta Psi Society of, may hold meetings in city of New York	369
Trustees of the Sigma Phi Society of, may hold meetings in city of New York	377
Williamstown, town of, election of town officers ratified	75
Williston and Knight Company, name established	490
Wilmington, town of, may pay soldiers' bounties	373
Wilson, Henry, late vice-president, town of Natick may raise money to pay funeral expenses of	6
Winchendon, town of, trustees of Methodist Episcopal Church in, may sell parsonage	446
Winnisimmet Company, may hold certain real estate	497
Winnisimmet Railroad Company, charter extended; may make new leases, Winthrop, town of, set off from the jurisdiction of municipal court of East Boston	368 183
Winthrop Farm, inmates of almshouse and house of industry, in Boston, may be employed upon	196
Woburn Society of the Methodist Church, trustees of, organization and acts confirmed	428
Wollaston Wharf and Dock Company, may hold additional real estate	489
Women, reformatory prison for, at Sherborn, disposition of sewage	429
Worcester, city of, time extended for laying out park and establishing reservoir in	21, 145, 251, 494
water supply for	22, 87, 776
union passenger station in, provided for	177
extension of Foster Street	383
insane hospital at, appropriation for completion of	79
removal of railroad tracks from public ways and grounds in	177

INDEX.

859

	Page
Worcester, city of, board of registrars of voters established, and preparation of voting lists regulated	193
land of the Commonwealth in, may be taken for widening street	668
may purchase certain land, etc.	675
Quinsigamond Avenue in, time for construction extended	428
Worcester, Calvinistic Society in, name changed to The Central Society in Worcester	388
Worcester, Central Mutual Fire Insurance Company of, time for closing business affairs extended	140
Worcester, Citizens Exchange of, incorporated	83
Worcester Continentals, incorporated	408
Worcester, Home for Aged Females in, incorporated	368
Worcester and Nashua Railroad Company, may mortgage its road	438
Worcester Safe Deposit and Trust Company, charter amended	666
Worcester county, treasurer of, may pay for losses at burning of Fitchburg jail	182
commissioners may borrow money for addition to court-house	245
terms of probate court in	286
Workshop at jail in Berkshire county, may be built	157
Workingmen's Aid Association, Lynn, incorporated	550
Wrentham, North Parish of, may sell meeting-house and land to town of Norfolk	377

Y.

Yarmouth Camp-Meeting Association, name established	666
Yarmouth and Dennis, regulation of fisheries in Bass River in	514
Young Men's Christian Association, Boston, may hold additional estate,	494

Z.

Zoölogy, Comparative, Museum of, may convey property to Harvard College	16
corporation dissolved	119

